

tion of such automobile and keep same in repair free of any other charge to the county.

Sec. 2. The fact that in the class of counties affected by this Act there is a great need that the county pay the expenses of the County Judge and Commissioners as provided for in this Act on account of the extremely large area of the counties and Commissioners' Precincts therein, thus increasing the total mileage of roads in such counties and Commissioners' Precincts therein must be work and inspected by the officials named herein, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and that this Act take effect and be in force from and after its passage, and said Rule is hereby suspended, and it is so enacted.

SEVENTY-FIRST DAY.

Senate Chamber,
Austin, Texas,
May 18, 1931.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Woodruff.

Prayer by Rev. Holt, Chaplain of the House.

Pending the reading of the Journal of yesterday, the same was dis-

pensed with on motion of Senator Williamson.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Senator Excused.

On motion of Senator Poage, Senator Woodruff was excused for the morning on account of important business.

Messages from the House.

Hall of the House of Representatives,
Austin, Texas, May 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on S. B. No. 83 by a viva voce vote.

The House has concurred in Senate Amendments to H. B. No. 550 by a viva voce vote.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

H. B. No. 805, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State of Texas, and authorizing payment of said miscellaneous items to taking effect of this Act, and declaring an emergency."

H. C. R. No. 66, Relative to the policy of using American made materials in certain instances.

The House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on Senate Bill No. 31. The following are conferees on the part of the House:

Johnson of Dimmit, Holland, Graves, Adamson, and De-Wolfe.

The House has granted the request of the Senate for the appointment of a Conference Committee to

consider the differences between the two Houses on Senate Bill No. 5. The following are conferees on the part of the House:

Weinert, Barron, Ratliff, Ferguson, and Harman.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution:

H. C. R. No. 68, Directing the Enrolling Clerk to correct certain errors in H. J. R. No. 21.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Senate Bill No. 527.

The Chair laid before the Senate on its second reading the following bill:

By Senator Russek:

S. B. No. 527, A bill to be entitled "An Act to create the One Hundred and Twenty-third Judicial District of Texas and to designate the counties constituting said district, and fixing the time for holding court therein; re-organizing the Twenty-second Judicial District of Texas, etc., and declaring an emergency."

The Committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Russek, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 527 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Martin.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Oneal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Loy.	Russek.

Small.
Stevenson.
Thomason.

Williamson.
Woodul.
Woodward.

Absent—Excused.

Woodruff.

Read third time and finally passed.

H. J. R. No. 25.

The Chair laid before the Senate on its third reading the following resolution:

H. J. R. No. 25, Proposing an amendment to the Constitution of the State of Texas by adding to Article IX thereof a new section to be numbered 3, so as to authorize any county having more than 15,000 population to adopt a home rule charter for the establishment and regulation of its government, etc., and declaring an emergency."

Read third time and failed to finally pass by the following vote:

Yeas—16.

Berkeley.	Patton.
Cousins.	Purl.
Gainer.	Rawlings.
Holbrook.	Russek.
Hornsby.	Small.
Loy.	Stevenson.
Martin.	Thomason.
Neal.	Woodul.

Nays—9.

DeBerry.	Parrish.
Hardin.	Poage.
Hopkins.	Pollard.
Moore.	Williamson.
Parr.	

Absent.

Beck.	Oneal.
Cunningham.	Woodward.
Greer.	

Absent—Excused.

Woodruff.

(21 votes required.)

House Bill No. 251.

By unanimous consent, on motion of Senator Woodul, the pending business was taken up instead of the pending special order, and the Chair laid before the Senate as pending business the following bill:

H. B. No. 251, A bill to be entitled

"An Act to amend Article 7047, Revised Civil Statutes of the State of Texas, 1925, providing for the levy of occupation taxes on, and the collection from persons, firms, associations and companies pursuing the several occupations enumerated herein; repealing all laws and parts of laws in conflict herewith; providing that if any subdivision or part of this Act may be declared invalid for any reason it shall not affect any other section, subdivision or part of this Act, and declaring an emergency."

Senator Hornsby moved to reconsider the vote by which the amendment by Senator Poage was adopted Saturday.

Senator Poage moved to table the motion to reconsider. The motion to table prevailed by the following vote:

Yeas—15.

Berkeley.	Moore.
Cunningham.	Oneal.
DeBerry.	Parr.
Gainer.	Parrish.
Greer.	Poage.
Holbrook.	Russek.
Hopkins.	Thomason.
Loy.	

Nays—15.

Beck.	Purl.
Cousins.	Rawlings.
Hardin.	Small.
Hornsby.	Stevenson.
Martin.	Williamson.
Neal.	Woodul.
Patton.	Woodward.
Pollard.	

Absent—Excused.

Woodruff.

The Chair voted "yea".

The question recurred upon the pending amendment (by Senator Loy).

Senator Thomason sent up the following amendment to the amendment:

Amend the Loy amendment by striking out the figures "\$1.25" and insert in lieu therefor "\$1.00".

THOMASON.

The amendment to the amendment was read.

Senator Williamson moved to table the amendment to the amendment.

The motion was lost by the following vote:

Yeas—14.

Cousins.	Purl.
Gainer.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Martin.	Williamson.
Parr.	Woodul.
Patton.	Woodward.

Nays—16.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Oneal.
DeBerry.	Parrish.
Greer.	Poage.
Hardin.	Pollard.
Hornsby.	Rawlings.
Loy.	Thomason.

Absent—Excused.

Woodruff.

Senator Cousins moved to re-commit the bill to the Committee on State Affairs.

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 603.	H. B. No. 353.
S. B. No. 437.	H. B. No. 87.
S. B. No. 410.	S. B. No. 115.
S. B. No. 506.	H. B. No. 550.
S. C. R. No. 52.	H. B. No. 1026.
S. C. R. No. 1.	H. B. No. 1015.
H. C. R. No. 64.	H. B. No. 856.
H. C. R. No. 58.	H. B. No. 120.
H. B. No. 1048.	H. B. No. 349.
H. B. No. 1028.	H. B. No. 417.
H. B. No. 1025.	H. B. No. 356.
H. B. No. 1022.	H. B. No. 704.
H. B. No. 504.	H. B. No. 905.
H. B. No. 440.	H. B. No. 1046.

House Bill Referred.

H. B. No. 805 referred to Committee on Finance.

S. C. R. No. 53.

Senator Hornsby sent up the following resolution:

A Concurrent resolution:

Granting leave to The American National Bank of Austin, Texas to sue the State of Texas upon its

claim for moneys claimed to have been advanced by it, to the State of Texas for the completion of two buildings at the Agricultural and Mechanical College at College Station, Texas, said buildings having been authorized by the acts of the 34th Legislature First Called Session 1915, pp. 104-105.

Whereas The American National Bank of Austin, Texas claims that the State of Texas is indebted to it in the sum of \$32,578.52 with lawful interest thereon for moneys advanced by it to complete two buildings erected at the Agricultural and Mechanical College at College Station, Texas, said buildings having been authorized by the 34th Legislature First Called Session 1915 pp. 104-105, and such claim has been presented to both the Senate and House of Representatives of the 42nd Legislature, but doubt has arisen as to the liability of the State of Texas upon said claim and it is deemed proper and right that a lawful adjudication before a court of competent jurisdiction should be invoked and had to the end that the rights of the claimant and the State of Texas may be judicially ascertained; now therefore,

Be It Resolved By the Senate, the House of Representatives Concurring, that the consent of the State of Texas be and is now given for the said The American National Bank of Austin, Texas to file suit against the State of Texas upon its said claim and to prosecute the same to final judgment in one of the District Courts of Travis County, Texas. The citation in said suit may be served upon the Attorney General of the State of Texas and, when so served such service shall require the appearance of the State of Texas in said suit to defend the same.

HORNSBY.

On motion of Senator Hornsby the resolution was ordered printed in the Journal.

Recess.

On motion of Senator Greer, the Senate, at 12:05 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 626.

The Chair laid before the Senate on its second reading the following bill:

By Senator Beck:

S. B. No. 626, A bill to be entitled "An Act making an emergency appropriation out of any money in the State Treasury not otherwise appropriated to supplement appropriations heretofore made for the Judiciary Division of the State Comptroller's Department for the balance of the fiscal year ending August 31, 1931, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Beck, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 626 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Woodruff.

Read third time.

On motion of Senator Beck, the bill was laid on the table, subject to call.

Senate Bill No. 623.

The Chair laid before the Senate on its second reading the following bill:

By Senator Beck:

S. B. No. 623, A bill to be entitled "An Act making an emergency appropriation of money to the State Treasurer; providing the purposes thereof, the means and manner of expenditure, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Berkeley the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 623 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Woodruff.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Woodruff.

H. C. R. No. 68.

The Chair laid before the Senate: H. C. R. No. 68, Authorizing certain corrections in H. J. R. No. 21. Read and adopted.

House Bill No. 1039.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 1039, A bill to be entitled "An Act to amend House Bill

94 as passed by the 42nd Legislature fixing the salary of the County Superintendent of Public Instruction and the County Board of School Trustees in each county in Texas having a population of not less than eighteen thousand, four hundred thirty-five (18,435) according to the last preceding Federal Census, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1039 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Woodruff.

Read third time and finally passed.

House Bill No. 979.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 979, A bill to be entitled "An Act to create a more efficient road system for Mills County, Texas, and making the commissioners of Mills County exofficio road commissioners in their respective precincts, and providing for the appointment of deputies, defining the powers and duties of the commissioners' court with reference to roads and bridges; providing for the appointment of road overseers, and defining their duties, and providing for and fixing their compensation for certain labor; etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 979 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Woodruff.

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Woodruff.

House Bill No. 251.

The question recurred upon the motion to re-commit H. B. 251.

Senator Loy moved to table the motion. The motion to table prevailed by the following vote:

Yeas—19.

Beck.	Cunningham.
Berkeley.	DeBerry.

Greer.
Hardin.
Hornsby.
Loy.
Moore.
Neal.
Oneal.
Parrish.

Poage.
Rawlings.
Small.
Thomason.
Williamson.
Woodruff.
Woodward.

Nays—11.

Cousins.	Patton.
Gainer.	Purl.
Holbrook.	Russek.
Hopkins.	Stevenson.
Martin.	Woodul.
Parr.	

Absent.

Pollard.

Senator Pollard sent up the following substitute for the amendment to the amendment:

Substitute for the amendment to the amendment: by striking out the words and figures \$1.25 and insert in lieu thereof the words and figures 75c.

POLLARD.

The substitute was read.

Senator Holbrook moved to table the substitute. The motion was lost by the following vote:

Yeas—13.

Beck.	Moore.
Cunningham.	Neal.
Hardin.	Oneal.
Holbrook.	Poage.
Hopkins.	Williamson.
Hornsby.	Woodruff.
Loy.	

Nays—18.

Berkeley.	Pollard.
Cousins.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Greer.	Small.
Martin.	Stevenson.
Parr.	Thomason.
Parrish.	Woodul.
Patton.	Woodward.

The substitute was adopted by the following vote:

Yeas—27.

Beck.	DeBerry.
Berkeley.	Gainer.
Cousins.	Greer.
Cunningham.	Hardin.

Hornsby.	Pollard.
Loy.	Purl.
Martin.	Rawlings.
Moore.	Russek.
Neal.	Small.
Oneal.	Stevenson.
Parr.	Thomason.
Parrish.	Woodruff.
Patton.	Woodward.
Poage.	

Nays—4.

Holbrook.	Williamson.
Hopkins.	Woodul.

The amendment to the amendment as substituted was adopted.

Senator Small sent up the following amendment to the amendment:

Amend substitute by striking out Seventy-five, and adding in lieu thereof Sixty-five.

SMALL.

The amendment to the amendment was read.

Senator Pollard moved to table the amendment to the amendment. The motion prevailed by the following vote:

Yeas—23.

Beck.	Oneal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Rawlings.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Woodruff.
Moore.	Woodward.
Neal.	

Nays—7.

Cousins.	Small.
Holbrook.	Williamson.
Martin.	Woodul.
Purl.	

Absent.

Russek.

The amendment as amended was adopted.

Senator Stevenson sent up the following amendment:

Amend the amendment to House Bill No. 251 by adding a new section to be known as Section 12c reading as follows:

"Sec. 12c. Provided that from every person, firm, association, partnership or corporation engaged

in the business of operating or maintaining in this State, under the same general management, supervision, or ownership, two or more stores or merchantile establishments where goods, wares, or merchandise of any kind is sold, or offered for sale at retail, there shall be collected the sum of one hundred (\$100) dollars annually on each and every store operated by such persons, firm, association, partnership or corporation, in such manner of operation in this State on every store or merchantile establishment in excess of one.

Provided that if this provision is held unconstitutional by the Supreme Court, it shall not affect the validity of the remainder of this Act."

STEVENSON.

The amendment was read.

Senator Purl sent up the following amendment to the amendment:

Amend amendment by striking out "Two or more" and inserting in lieu "Five or more."

PURL.

The amendment to the amendment was read.

Senator Stevenson moved to table the amendment to the amendment. The motion prevailed by the following vote:

Yeas—16.

Cousins.	Moore.
Cunningham.	Neal.
DeBerry.	Oneal.
Gainer.	Parr.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodul.

Nays—14.

Berkeley.	Pollard.
Greer.	Purl.
Hopkins.	Rawlings.
Martin.	Russek.
Parrish.	Small.
Patton.	Williamson.
Poage.	Woodward.

Absent.

Beck.

Senator Small sent up the following amendment to the amendment:

Amend the amendment by adding to section one the following:

"provided this tax shall not apply

to retail merchantile establishments dealing in lumber, building materials, building hardware and paint."

SMALL.

Read and, on motion of Senator Stevenson, tabled.

Senator Woodruff sent up the following substitute for the amendment:

Substitute amendment for amendment by the Senator from Victoria to H. B. No. 251.

Amend the amendment to H. B. 251 by adding a new section to be known as Section 12c, as follows:

Sec. 12c. Provided that from every person, firm, association, partnership or corporation engaged in the business of operating or maintaining in this State, under the same general management, supervision, or ownership, three or more stores or mercantile establishments where goods, wares, and/or merchandise of any kind are sold, or offered for sale at retail, there shall be collected for stores or establishments in excess of three the following:

For the first two additional stores \$25.00 each; for the next 5 stores \$50.00 each; for each additional store \$250.00 annually, or from each person, firm, association, partnership or corporation operating.

Provided that if this provision is held unconstitutional by the Supreme Court, it shall not affect the validity of the remainder of this Act."

WOODRUFF.

Read and adopted.

The amendment as substituted was tabled on motion of Senator Thomason.

Senator Greer sent up the following amendment:

Amend the Loy amendment as adopted by cutting off of said amendment the following words at the end of the amendment: "except that one fourth of said funds shall go into the available School Fund and the remainder shall go into the General Revenue," and by inserting the following words in lieu thereof: "except that fifty five cents of said funds shall go into the available School Fund and the remainder to the General Fund."

RUSSEK,
GREER.

Read and adopted.

Senator Berkeley sent up the following amendment:

Amend H. B. No. 251 by adding thereto another section before the emergency clause, which shall read as follows:

"Sec. 37-A. Cigarette dealers.— From all dealers in cigarettes in this State five dollars, a cigarette being the same as defined by the laws of the United States government, that this tax shall be in addition to any other tax levied under the law. Each dealer shall be required to procure an annual license from the county clerk of the county where he proposes to sell cigarettes, which shall be granted for no shorter or longer term than one year. The license shall describe the house and locality where the dealer proposes to sell cigarettes."

BERKELEY.

The amendment was read.

Senator Pollard moved the previous question on the amendment and the bill.

The motion was lost.

Read and adopted.

Senator Berkeley sent up the following amendment:

Amend the caption to conform to the body of the Act.

BERKELEY.

Read and adopted.

Senator DeBerry sent up the following amendment:

Amend Amendment No. 1 to H. B. No. 251, page 1609, by striking out everything from the word "them" in line 41, down to the word "the" in line 24, page 1610.

DeBERRY.

Read and adopted.

Senator Holbrook sent up the following amendment:

Amend Substitute to House Bill No. 251 by adding a new Section to the Substitute Bill at the end of last section to be known and designated as:

Section —. That every person who owns, manages, operates, leases, or rents any pipe line or pipe lines within this State, used for transporting oil wholly within the State of Texas, shall, on or before the first days of January, April, July, and October of each year, pay to the State of Texas as occupation tax for the quar-

ter beginning on said date, an amount equal to one cent upon each and every barrel of oil so transported wholly within this State during the quarter next preceding.

For the purpose of determining the amount of such tax, every such person shall quarterly, on the dates aforesaid, make a report to the Comptroller of Public Accounts, under oath, showing the number of barrels of oil so transported within the quarter next preceding, and showing the point of origin and the point of destination of each of said barrels of oil so transported by said person, and shall immediately pay to the treasurer of this State an occupation tax for the quarter beginning on said date an amount equal to one cent for each barrel of oil so transported within said quarter next preceding.

Sec. —. That should any person subject to the occupation tax herein levied begin business on or after the beginning of a quarter, the amount of tax which such person shall pay for the first quarter immediately succeeding the quarter in which the business was begun, shall be ascertained by taking the total number of barrels so transported within the last quarter, dividing the same by the number of days such person was engaged in the business of transporting oil during said preceding quarter, multiplying the quotient by 90 and multiplying the product thereof by one cent.

Sec. —. That each person subject to the payment of this tax shall cause to be made, kept, and preserved a full and complete record of all oil transported within this State by it, all of which records shall be open at all times to official inspection and examination by the Comptroller or the Attorney General, or any employee or representative of the Comptroller or Attorney General; said records may be destroyed each three years from the last entry appearing in any such records; any such person failing to keep such record or records as herein required, or failing or refusing to permit inspection and examination thereof as herein provided, shall forfeit to the State of Texas as penalty any sum not less than \$500.00, nor more than \$3,000.00, and each ten days of failure or re-

fusal to keep such records or permit their examination, shall constitute a separate offense, and subject the offender to additional penalties in the same amount for each such period of failure to keep such records or permit their examination.

Sec. —. That for the purpose of this Act, oil passing through gathering lines in oil fields for the purpose of concentrating it for transportation by the persons subject to this tax shall not be taken into consideration in computing the occupation tax imposed and hereby provided for, it being the intention of this Act that in computing the occupation tax due hereunder, the rate of one cent per barrel shall be multiplied only once as to each taxpayer against each barrel of oil so transported.

Sec. —. That any person subject to the payment of the tax herein imposed, who shall fail to make any report herein required, or to pay the tax provided herein, within thirty days after the dates herein provided for, shall pay to the State a penalty equal to ten per cent of the taxes due, and such tax and penalty shall draw interest at the rate of six per cent per annum from the date accrued until paid. The Attorney General, or any district or county attorney at the direction of the Attorney General, shall bring suit on behalf of the State to recover the amount of taxes, penalties, and interest past due and payable by any person affected by this law.

Sec. —. That the word "Oil," as used in this law, means petroleum oil, mineral oil, gasoline, naptha, kerosene, benzine, vegetable oil or other oil.

Sec. —. That the word "person," as used in this law, shall include persons, firms, partnerships, companies, corporations, associations, common law trusts, or other concerns by whatever name or howsoever organized, formed, or created.

Sec. —. For the occupation tax, penalties and interest herein provided for, the State shall have a prior lien on all interest of said person in said pipe line or pipe lines.

Sec. —. The provisions of this Act are severable and if any provisions or provisions hereof shall be held void, the decision of the Court shall not affect or impair any of the remain-

ing provisions, and it is hereby declared as the legislative intention that the provisions, sentences and phrases not declared to be illegal or void would have been enacted and adopted without the inclusion of the provisions, sentences, and/or phrases declared void and invalid.

Sec. —. That it is not the intention of this Act to levy any tax upon any product sold to the Federal Government or any agency thereof, or to levy a tax upon intrastate commerce, or to levy any tax obnoxious to or forbidden by the Constitution of the United States, or of the State of Texas.

HOLBROOK.

The amendment was read in part.

Senator Williamson moved to recommit the bill to the Committee on State Affairs.

Senator Poage raised the point of order that a similar motion had previously been lost.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Senator Small moved to reconsider the vote by which the motion to recommit was lost.

Senator Thomason moved to table the motion. The motion to table prevailed by the following vote:

Yeas—18.

Beck.	Loy.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Oneal.
DeBerry.	Parrish.
Gainer.	Poage.
Greer.	Pollard.
Hardin.	Thomason.
Hornsby.	Woodruff.

Nays—11.

Holbrook.	Rawlings.
Hopkins.	Small.
Martin.	Stevenson.
Parr.	Woodul.
Patton.	Woodward.
Purl.	

Absent.

Russek.	Williamson.
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Reason for Vote.

I vote "no" on the amendment seeking to place a tax of 75c per ton on sulphur for the reason that the

present tax of 55c per ton, placed thereon only 12 months ago and representing an increase at that time of over one hundred per cent, and I believe it wrong in principle to at this time increase the tax on the same business industry an additional fifty per cent. It is not so much a question of the amount of the tax as it is a violation of the principle involved. I refuse to join the ranks of those who for sake of expediency vote for an additional tax on this industry and thereby violate the principle that "taxes shall be equal and uniform." If additional taxes are to be levied on this natural resource, then I take the position that other natural resources, cement as a marked example, which are now escaping all occupation taxes, should have a similar tribute levied upon them, thereby making practical application of the Constitutional provision above quoted.

HOPKINS.

Conference Committee Report.

Senator Hornsby sent up the following Conference Committee report:

Committee Room,

Austin, Texas, May 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Free Conference Committee, appointed to adjust the differences on House Bill No. 150, have had the same under consideration, and beg to report that we have carefully considered the same and recommend the adoption of the attached bill:

H. B. No. 150.

A BILL

To Be Entitled

An Act amending Article 6204, Revised Civil Statutes of 1925, as amended by Chapter 82, General Laws of the Fifth Called Session of the Forty-first Legislature; and amending Article 6205, Revised Civil Statutes of 1925, as amended by Chapter 153, General and Special Laws of the Forty-first Legislature, and as further amended by Chapter 82, General Laws of the Fifth Called Session of the Forty-first Legislature; and amending Article 6221, Revised

Civil Statutes of 1925, as amended by Chapter 5, General Laws of the Second Called Session of the Forty-first Legislature; and as further amended by Chapter 82, General Laws of the Fifth Called Session of the Forty-first Legislature; and amending Article 6215, Revised Civil Statutes of 1925, as amended by Chapter 307, General and Special Laws of the Forty-first Legislature; and as further amended by Chapter 82 of the General Laws of the Fifth Called Session of the Forty-first Legislature; so as to provide for the payment of pensions to Confederate veterans who have resided in Texas for ten (10) years prior to the approval of their application, and to soldiers of the militia of any other Confederate state who were in active service during the war and who came to Texas at least five (5) years prior to the approval hereafter of his application for a pension, and to soldiers appointed to official or other service in the State of Texas requiring the carrying of arms during the War Between the States, and for the payment of pensions of fifty dollars (\$50) per month to married Confederate veterans, and of twenty-five dollars (\$25) per month to all single veterans and their widows, and for the payment of pensions monthly without requiring monthly proof of claims; and prescribing penalties for violation of the act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 6204 of the Revised Civil Statutes of 1925, as amended by Chapter 82 of the General Laws of the Fifth Called Session of the Forty-first Legislature, is hereby amended so as to read as follows:

"Article 6204. Tax.—There shall be levied and collected in the same manner and at the same time that other ad valorem taxes are levied and collected for the year 1925, and annually thereafter, an ad valorem tax of seven cents (7c) on the one hundred dollars (\$100) valuation thereof on all property owned in the State on the first day of January of

1925, and of every year thereafter, and on all property sent out of the State prior to the first day of January of any of said years, for the purpose of evading the payment of taxes thereon and afterwards returned to the State, except so much thereof as may be exempted by the Constitution and laws of this State or of the United States, which valuation shall be made in the manner prescribed by law for the assessment, levy and collection of other State and county taxes, which said tax so levied and collected shall be paid into the Treasury of the State of Texas in the same manner as other State taxes, and shall constitute a special fund for the payment of pensions, as may be provided by law, to Confederate soldiers and their widows and to other Texas soldiers and militiamen who served during the War Between the States entitled to pensions under the laws of Texas, and their widows, and shall constitute a special fund for the payment of such pensions in the manner and under the rules and regulations as are and may be prescribed by law. Said fund is hereby expressly appropriated by the Legislature of the State of Texas for the purpose herein stated, and this act shall not affect or release liability of any person for taxes, penalties, interest or costs accruing under prior laws, or the right to collect or enforce collection thereof by suit or otherwise.

"If said pension fund shall at any time when said pensions are due and payable as provided by law be insufficient in amount to pay the pensions provided by law, a sufficient amount shall be advanced by the State Treasury out of the general revenues of the State in the State Treasury, other than revenues derived from ad valorem taxes on property, to make up such deficit, and the amount so advanced shall be repaid out of the pension fund to the general revenue fund by the State Treasury when there shall be a surplus in the pension fund over and above the amount required to pay the pensions due as provided by law; provided, that the total amount advanced to the pension fund shall not exceed the constitutional amount collected for the pension fund for any one year."

Sec. 2. Article 6205 of the Revised Civil Statutes of 1925, as amended by Chapter 153 of the General and Special Laws of the Forty-

first Legislature, and as further amended by Chapter 82 of the General Laws of the Fifth Called Session of the Forty-first Legislature, is hereby amended so as to read as follows:

"Article 6205. To Whom Granted.—Out of the pension fund to be created and maintained under the provisions of Article 6204, as amended, there shall be paid on the first day of each calendar month a pension in the amounts provided for in Article 6221 to every Confederate soldier or sailor whose application has heretofore been approved and also those who came to Texas prior to January 1, 1928, and whose application shall hereafter be approved, and to their widows whose applications have heretofore been approved and also those who have been bona fide residents of this State since January 1, 1928, and whose application shall hereafter be approved and who were married to such soldiers or sailors prior to January 1, 1921, and who lived with such soldier or sailor continuously for at least ten (10) years immediately prior to the death of such sailor or soldier, and to soldiers who, under the special laws of the State of Texas, during the War Between the States, served in organizations for the protection of the frontier against Indian raiders or Mexican marauders, and to soldiers of the militia of the State of Texas who were in active service during the War Between the States, and to soldiers of the militia of any other Confederate State who were in active service during the war and who came to Texas at least ten (10) years prior to the approval hereafter of his application for a pension, and to soldiers appointed to official or other service in the State of Texas requiring the carrying of arms during the War Between the States, and all soldiers and sailors and widows of all soldiers and sailors eligible to be placed upon the pension rolls and participate in the distribution of the pension fund of this State under any existing law or laws hereafter enacted; provided, that no widow born since January 1, 1873, shall be entitled to a widow's pension; a widow entitled to a pension under this act, but who remarries a man other than a Confederate soldier or sailor, shall not be entitled to a pension, but shall not be barred from receiving a pension in the event she should be

left a widow after such remarriage, so long as she remains a widow. Soldiers or widows who are over 88 years of age, who have been bona fide citizens of Texas since prior to January 1, 1930, shall be entitled to pensions under this act, if otherwise pensionable."

Sec. 3. Article 6221 of the Revised Civil Statutes of 1925, as amended by Chapter 5 of the General Laws of the Second Called Session of the Forty-first Legislature, and as further amended by Chapter 82 of the General Laws of the Fifth Called Session of the Forty-first Legislature, is hereby amended so as to read as follows:

"Article 6221. On the first day of each calendar month the Comptroller shall pay to each married veteran who is living with his wife a pension of fifty dollars (\$50) per month for as long as they both may live and, after the death of either party, then the said veteran or his widow still living shall only draw an amount equal to other veterans or their widows. To each veteran now unmarried or a widower or widow who is drawing a pension or whose application may be hereafter approved, shall be paid the sum of twenty-five dollars (\$25) per month for each year, and the remainder of said pension fund (after reimbursing the general revenue fund for any advancement theretofore made to the pension fund) shall be equally prorated among all of said pensioners whose claims to pensions have been established and filed. All pensions shall begin on the first day of the calendar month following the approval of the application."

Sec. 4. Article 6215 of the Revised Civil Statutes of 1925, as amended by Chapter 307 of the General and Special Laws of the Regular Session of the Forty-first Legislature, and as further amended by Chapter 82 of the General Laws of the Fifth Called Session of the Forty-first Legislature, is hereby amended so as to read as follows:

"Article 6215. Payments; Affidavits; Warrant.—The payment of such pension shall be made on the first day of each calendar month to all pensioners whose applications for pensions shall have been duly approved as provided by law by warrant drawn by the Comptroller on the State Treasurer, to be paid out

of the money appropriated for that purpose as provided by law.

"Such warrant shall be transmitted by mail to the payee thereof at his or her last known address. It shall be unlawful for any postmaster, delivery clerk, letter carrier or other postal employe to deliver any such mail to any person whomsoever if the addressee is known to have died or removed or, in the case of a widow, if known to have remarried; and it shall be unlawful for any person or persons to open any such mail addressed to any such addressee who has died or removed, or to any such widow who has remarried, or to convert such warrant into cash; but in every case such mail shall forthwith be returned to the Comptroller at Austin, Texas, with a statement of the reasons for so doing, and if because of death or remarriage, the date thereof, if known, and all such warrants so returned to the Comptroller shall be cancelled. In the event a veteran is receiving the pension allowed under this act to a married veteran, and his wife dies, it shall be his duty to immediately report such death to the Comptroller, and he shall not thereafter present any pension warrant for payment when the amount of the same is intended for a married veteran, but shall immediately return the same to the Comptroller.

"Any person who shall knowingly violate the provisions of this article shall be guilty of a felony and, on conviction, shall be punished by fine of not less than one hundred dollars (\$100) or by imprisonment in the county jail for not less than three months, or by imprisonment in the penitentiary for not less than one (1) year."

Sec. 5. Article 6208 of the Revised Civil Statutes of 1925, as amended by Chapter 82 of the General Laws of the Fifth Called Session of the Forty-first Legislature, is hereby amended so as to read as follows:

"Article 6208. Application Requirements.—Persons entitled to a pension under this title shall make application for same in writing and under oath to the county judge of his or her county. Such application shall state the name, age, residence of the applicant and occupation, if any, and every fact necessary to entitle the applicant to the pension. If

the applicant is such a soldier or sailor as is prescribed herein, he shall state in his application the company and regiment in which he was enlisted; if he served in an organization for the protection of the frontier against Indian raiders or Mexican marauders, he shall name and identify such organization; if he were an officer commissioned by the President of the Confederate States or by the Governor, or other proper authority of this State, in the army, navy, militia or frontier organization, he shall state the date of his commission and his rank therein; and if detailed directly under the provisions of the conscript law for duty in the armories or shops of the Confederate Government or for any other labor necessary for the maintenance of the army in the field, or if he served in the Confederate navy, he shall state the time of service in each case. Each applicant shall furnish the testimony of at least one credible witness who personally knows that he enlisted in the service and performed the duties as claimed by him. If he cannot secure the testimony of such witness, he may furnish documents or other evidence of his service. Provided that where the applicant was born prior to 1851, he may make his proof by submitting to the county judge an affidavit stating his name, age, residence and occupation, if any, together with every fact necessary to entitle him to a pension. Such affidavit, when executed, shall be accompanied by a sworn statement of at least two (2) credible witnesses who have known the applicant for a period of not less than ten (10) years and who are in no way related to or interested in the financial welfare of such applicant, and that he is a credible person and that they believe the statements entitling him to a pension and are correct and true."

Sec. 6. The fact that the changes to be effected by this act are needed by the Confederate veterans and widows on the pension roll with the least possible delay creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect from and after its passage, and it is so enacted.

Read and adopted by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Simple Resolution No. 155.

Senator Hornsby sent up the following resolution:

Whereas: Spring has come, and the citizens of Austin want to celebrate by enjoying the good fellowship of the Legislators and their ladies at a good old informal get-together and dance on the roof of the Stephen F. Austin Hotel, Tuesday evening, May 19, 1931 at 8:30 p. m., and

Whereas: a most cordial invitation has been extended to the State Senate and their ladies to be present on this "Happy Springtime Dance," and complimentary tickets have been presented,

Therefore Be It Resolved: that this invitation be unanimously accepted with out thanks, and that we all make an effort to be present.

HORNSBY.

Read and adopted.

Motion to Re-Commit.

Senator Purl raised the point of order that the Committee report on H. B. No. 10 was out of order because it was made while the original bill was in the hands of the printer.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order, holding that he could not go behind the Committee report.

Senator Purl moved to recommit the bill to the Committee on State Affairs. The motion prevailed.

Recess.

Senator Hopkins moved to recess until 9:30 o'clock tomorrow morning.

Senator Woodruff moved to recess until 8 o'clock tonight.

The motion to recess until 9:30 a. m. was lost by the following vote.

Yeas—10.

Cousins.	Moore.
Gainer.	Parr.
Holbrook.	Parrish.
Hopkins.	Patton.
Martin.	Stevenson.

Nays—20.

Beck.	Poage.
Berkeley.	Pollard.
Cunningham.	Purl.
DeBerry.	Rawlings.
Greer.	Small.
Hardin.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Russek.

The motion to recess until 8 p. m., prevailed and at 5:57 o'clock p. m., the Senate recessed.

After Recess.

The Senate met at 8 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem Carl Hardin.

Joint Session.

At 8 o'clock p. m., the Chair announced that the hour for the joint session had arrived. The Senate adjourned to the House.

In the House.

The Speaker called the House to order.

President Pro Tem, Carl Hardin, called the Senate to order.

The Clerk of the House read H. C. R. 60, Providing for a joint session for the presentation of a bust of George Washington to Governor Ross Sterling.

The Speaker introduced Representative John Mathis who introduced Congressman J. B. Buchanan.

Mr. Buchanan addressed the joint session and presented a bust of George Washington.

Governor Ross Sterling accepted the bust with a brief address of appreciation.

After Joint Session.

The Senate returned to the Senate Chamber at 8:40 o'clock p. m.

House Bill No. 251.

The question recurred upon the pending amendment to H. B. No. 251.

Senator Woodul sent up the following written point of order against the amendment:

I raise the point of order that the pending Holbrook amendment to House Bill No. 251, levying a tax of one cent per bbl. on pipe line oil, is out of order for the reason that the House Committee on Revenue and Taxation, by a vote of 12 yeas, and no nays, on April 20, 1931, reported adversely House Bill 549 and such adverse report on said House Bill 549 is shown in the House Journal of Tuesday, April 21, 1931; said House Bill 549 being a bill to levy a tax of one cent per bbl. on oil carried by pipe lines in Texas.

WOODUL.

The point of order was read.

The Chair, President Pro Tem Carl Hardin, overruled the point of order.

Senator Purl sent up the following amendment to the amendment:

Amend amendment by adding a new section to read as follows:

Section —. From every Person, Firm, Partnership, Association, or Corporation engaged in the occupation of mining and producing in Texas quick silver, lead, copper, gold, silver and zinc a tax equal to four per cent of their gross income.

PURL.

The amendment to the amendment was read.

Senator Greer moved to table the amendment to the amendment. The motion prevailed by the following vote:

Yeas—25.

Beck.	DeBerry.
Berkeley.	Gainer.
Cunningham.	Greer.

Hardin.
Holbrook.
Hornsby.
Loy.
Moore.
Neal.
Oneal.
Parr.
Patton.
Poage.

Pollard.
Rawlings.
Small.
Stevenson.
Thomason.
Williamson.
Woodruff.
Woodul.
Woodward.

Nays—3.

Cousins.
Martin.

Purl.

Absent.

Hopkins.
Parrish.

Russek.

Senator Thomason moved to table the amendment. The motion prevailed by the following vote:

Yeas—21.

Beck.
Cousins.
Gainer.
Greer.
Hardin.
Hornsby.
Loy.
Moore.
Neal.
Oneal.
Parr.

Patton.
Poage.
Pollard.
Purl.
Small.
Stevenson.
Thomason.
Williamson.
Woodul.
Woodward.

Nays—7.

Berkeley.
Cunningham.
DeBerry.
Holbrook.

Martin.
Rawlings.
Woodruff.

Absent.

Hopkins.
Parrish.

Russek.

Senator DeBerry sent up the following amendment:

Amend H. B. No. 251, by striking out the figures 1 to 30,000, and \$5.00—\$7.50—10.00, line 50 and insert in lieu thereof the following: "1-15,000 \$2.50—\$3.50—\$5.00.

Strike out the figures 30,0001—100,000—\$10.00—\$1750. \$35.00 in line 51 and insert in lieu thereof the following 15— 60,000— \$3.50— \$6.00— \$10.00.

Strike out the figures 100,001 and over \$15.00—\$22.50—\$35.00 in line 52 and insert in lieu thereof the following 60,000 and over \$5.00—\$10.00—\$20.00, Senate Journal, page 1509.

DeBerry.

Read and adopted.

Senator Small sent up the following amendment:

Amend Sub-division 8-a by striking the following therefrom: "and/or grain, livestock, or any other agricultural product".

SMALL

The amendment was read.

Senator Martin raised the point of order that the amendment was out of order because this material was inserted by an amendment on which later a motion to reconsider had been lost.

The Chair, President Pro Tem Carl Hardin, overruled the point of order.

Senator Poage sent up the following amendment to the amendment:

Amend H. B. No. 251 as amended by adding to Sub-division "8a" the following:

"Each and every person, firm, corporation, and association or persons above mentioned shall on or before the first day of April of each year file with the Comptroller a sworn report on such forms as may be approved by the Comptroller showing the volume of business done by each person, firm, corporation or association of persons for the calendar year ending on the thirty-first day of the December immediately next preceeding. Each person subject to the provision of this Section shall cause to be made and to be kept and preserved a full and complete record of all purchases by them made, which record shall be open at all times to official inspection and examination of the Comptroller and the Attorney General, and any employee or representative of such Comptroller or Attorney General. Any person failing to keep such record or records as herein required shall forfeit to the State of Texas as a penalty a sum not less than five hundred (\$500.00) Dollars nor more than one thousand (\$1,000.00) dollars, and each ten days of failure to keep such records shall constitute a separate offense and subject the offender to additional penalties. Any person subject to the payment of any tax provided in this Section shall pay same to the State of Texas through the office of the Comptroller on or before the first day of May of each and every calendar year, and in event same is not paid in full by said date, such persons shall pay to the State as a penalty an additional amount equal to ten per cent of the taxes due and all such tax and penalty shall draw interest at the

rate of six (6) per cent per annum from the date due until paid. The Attorney General and/or the District or County Attorney at the direction of the Attorney General, shall bring suit in behalf of the State to recover the amount of taxes, penalties and interest due and payable by any person affected by this section as well as to enjoin the further operation of the occupation or business of such person as long as such tax remains delinquent and unpaid. The word "person" as used herein shall include all persons, firms, partnerships, companies, corporations, associations, common law trust, operation under a declaration of truth, and/or any other concern by whatever name known or howsoever organized, formed or created."

POAGE.

The amendment to the amendment was read.

Senator Martin raised the point of order that the amendment to the amendment was not germane.

The Chair, President Pro Tem Carl Hardin, overruled the point of order.

The amendment to the amendment was adopted.

Senator Hornsby moved the previous question on the Small amendment.

The motion prevailed.

Senator Greer moved the previous question on the further consideration of the bill.

Senator Pollard raised the point of order that this motion was out of order under the previous question ordered on the pending amendment.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

The pending amendment was adopted.

Senator Woodul sent up the following amendment:

Amend by striking out of Sec. 8A the following: "Selling cotton shall pay an annual tax of one half of one per cent of the gross amount of the purchases in intrastate commerce where such purchases amount to five hundred thousand (\$500,000.00) Dollars and not over One Million (\$1,000,000.00) Dollars and one per cent on all purchases in excess of One Million (\$1,000,000.00) Dollars."

WOODUL.

Senator Greer moved the previous question on the amendment and the further consideration of the bill. The previous question was seconded.

Senator Greer consented for certain amendments to be sent up to be included in the motion and considered before passage of the bill to third reading in case the previous question was ordered.

Senator Pollard called for a division of the question.

The Chair held that the question was not susceptible of division.

The previous question on the amendments and the further consideration of the bill was ordered by the following vote:

Yeas—17.

Beck.	Neal.
Berkeley.	Oneal.
Cousins.	Patton.
DeBerry.	Poage.
Greer.	Pollard.
Hardin.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodul.
Moore.	

Nays—12.

Cunningham.	Purl.
Gainer.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Martin.	Williamson.
Parr.	Woodward.

Absent.

Parrish.	Russek.
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The amendment by Senator Woodul was read and adopted by the following vote:

Yeas—16.

Berkeley.	Pollard.
Cousins.	Purl.
Gainer.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Martin.	Williamson.
Parr.	Woodul.
Patton.	Woodward.

Nays—13.

Beck.	Moore.
Cunningham.	Neal.
DeBerry.	Oneal.
Greer.	Poage.
Hardin.	Thomason.
Hornsby.	Woodruff.
Loy.	

Absent.

Parrish.	Russek.
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The Chair laid before the Senate the following amendments:

Amend substitute to House Bill No. 251 by adding a new section to the substitute bill at the end of last section to be known and designated as:

Section —. That every person who owns, manages, operates, leases, or rents any pipe line or pipe lines within this State, used for transporting oil wholly within the State of Texas, shall, on or before the first days of January, April, July, and October of each year, pay to the State of Texas as occupation tax for the quarter beginning on said date, an amount equal to one half of one per cent upon each and every barrel of oil so transported wholly within this State during the quarter next preceding.

For the purpose of determining the amount of such tax, every such person shall quarterly, on the dates aforesaid, make a report to the Comptroller of Public Accounts, under oath, showing the number of barrels of oil so transported within the quarter next preceding, and showing the point of origin and the point of destination of each of said barrels of oil so transported by said person, and shall immediately pay to the treasurer of this State an occupation tax for the quarter beginning on said date an amount equal to one cent for each barrel of oil so transported within said quarter next preceding.

Sec. —. That should any person subject to the occupation tax herein levied begin business on or after the beginning of a quarter, the amount of tax which such person shall pay for the first quarter immediately succeeding the quarter in which the business was begun, shall be ascertained by taking the total number of barrels so transported within the last quarter, dividing the same by the number of days such person was engaged in the business of transporting oil during said preceding quarter, multiplying the quotient by 90 and multiplying the product thereof by one half of one per cent.

Sec. —. That each person subject to the payment of this tax shall cause to be made, kept, and pre-

served a full and complete record of all oil transported with this state by it, all of which records shall be open at all times to official inspection and examination by the Comptroller or the Attorney General, or any employee or representative of the Comptroller or Attorney General; said records may be destroyed each three years from the last entry appearing in any such records; any such person failing to keep such records as herein required, or failing or refusing to permit inspection and examination thereof as herein provided, shall forfeit to the State of Texas as penalty any sum not less than \$500.00, nor more than \$3,000.00, and each ten days of failure or refusal to keep such records or permit their examination, shall constitute a separate offense, and subject the offender to additional penalties in the same amount for each such period of failure to keep such records or permit their examination.

Sec. —. That for the purpose of this Act, oil passing through gathering lines in oil fields for the purpose of concentrating it for transportation by the persons subject to this tax shall not be taken into consideration in computing the occupation tax imposed and hereby provided for, it being the intention of this Act that in computing the occupation tax due hereunder, the rate of one-half of one cent per barrel shall be multiplied only once as to each taxpayer against each barrel of oil so transported.

Sec. —. That any person subject to the payment of the tax herein imposed, who shall fail to make any report herein required, or to pay the tax provided for herein, within thirty days after the dates herein provided for, shall pay to the State a penalty equal to ten per cent of the taxes due, and such tax and penalty shall draw interest at the rate of six per cent per annum from the date accrued until paid. The Attorney General, or any district or county attorney at the direction of the Attorney General, shall bring suit on behalf of the State to recover the amount of taxes, penalties, and interest past due and payable by any person affected by this law.

Sec. —. That the word "Oil" as used in this law, means petroleum oil, mineral oil, gasoline, naptha,

kerosene, benzine, vegetable oil or other oil.

Sec. —. That the word "person" as used in this law, shall include persons, firms, partnerships, companies, corporations, associations, common law trusts, or other concerns by whatever name or howsoever organized, formed, or created.

Sec. —. For the occupation tax, penalties and interest herein provided for, the State shall have a prior lien on all interest of said person in said pipe line or pipe lines.

Sec. —. The provisions of this Act are severable and if any provisions hereof shall be held void, the decision of the court shall not affect or impair any of the remaining provisions, and it is hereby declared as the legislative intention that the provisions, sentences and phrases not declared to be illegal or void would have been enacted and adopted without the inclusion of the provisions, sentences, and/or phrases declared void and invalid.

Sec. —. That it is not the intention of this Act to levy any tax upon any product sold to the Federal Government or any agency thereof, or to levy a tax upon interstate commerce, or to levy any tax obnoxious to or forbidden by the Constitution of the United States, or of the State of Texas.

HOLBROOK.

Read and lost by the following vote:

Yeas—9.

Berkeley.	Parr.
Cunningham.	Poage.
DeBerry.	Rawlings.
Holbrook.	Woodruff.
Hopkins.	

Nays—20.

Beck.	Oneal.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Parrish.	Russek.
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Amend Substitute for H. B. No. 251, by adding a new section at the end of last Section to read as follows:

Sec. —. "A tax of One-tenth of one cent shall be collected upon every bottle of carbonated non-intoxicating beverages sold in this State, the tax to be paid by the Wholesale Distributor or bottling works."

HOLBROOK.

Read and lost by the following vote:

Yeas—10.

Gainer.	Neal.
Greer.	Parr.
Holbrook.	Patton.
Hopkins.	Poage.
Martin.	Small.

Nays—19.

Beck.	Pollard.
Berkeley.	Purl.
Cousins.	Rawlings.
Cunningham.	Stevenson.
DeBerry.	Thomason.
Hardin.	Williamson.
Hornsby.	Woodruff.
Loy.	Woodul.
Moore.	Woodward.
Oneal.	

Absent.

Parrish.	Russek.
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Senator Hopkins moved to recess until 9 o'clock tomorrow morning. The motion was lost by the following vote:

Yea—12.

Cousins.	Patton.
Gainer.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Martin.	Williamson.
Parr.	Woodward.

Nays—17.

Beck.	Neal.
Berkeley.	Oneal.
Cunningham.	Poage.
DeBerry.	Pollard.
Greer.	Purl.
Hardin.	Thomason.
Hornsby.	Woodruff.
Loy.	Woodul.
Moore.	

Absent.

Parrish.	Russek.
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50—Jour.

The Chair laid before the Senate the following amendment:

Amend Substitute for H. B. No. 251, by adding new Section at the end of last Section to read as follows:

Sec. —. "A tax of 50 cent per gallon upon every gallon of Coca-Cola Syrup, to be paid by the Wholesale Distributor."

HOLBROOK.

Read and lost.

Senator Holbrook called for the "yeas" and "nays".

Senator Purl raised the point of order that the vote had been announced.

Senator Holbrook stated that the call for "Yeas" and "Nays" had been duly seconded before the vote was taken.

Senator Purl moved that the decision of the Chair be sustained.

Senator Holbrook withdrew his request.

The Chair laid before the Senate the following amendment:

Amend amendment to H. B. No. 251 by adding thereto a new section to be known as Section 32-a as follows:

Bath Houses and Swimming Pools:

From every owner, lessee or other person operating for profit a bath house or swimming pool where admission charges or fees are charged for those bathing or dressing and/or renting bathing suits for bathing or swimming, an annual occupation tax of \$10.00 shall be paid to the State.

The owner or lessee of such bath house or swimming pool shall keep a record of all sums of money received as admission fees or charges for the use of such bath house or swimming pool as aforesaid and shall pay to the Comptroller of the State of Texas the sum of one per cent of said total amount so received; said one per cent to be in addition to the ten dollars hereinabove provided for. Said one per cent tax shall be paid in the same manner and reports be made in the same manner as is required of distributors of gas under H. B. 547, Acts of Regular Session of the 42nd Legislature.

MARTIN.

Read and lost by the following vote:

Yeas—11.

Beck.	Parr.
Cunningham.	Patton.
Greer.	Poage.
Holbrook.	Small.
Martin.	Woodruff.
Neal.	

Nays—16.

Berkeley.	Pollard.
Cousins.	Purl.
DeBerry.	Rawlings.
Hardin.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodul.
Oneal.	Woodward.

Absent.

Gainer.	Parrish.
Hopkins.	Russek.

Amend the Substitute to House Bill 251 by adding a new section to be known as Section——reading as follows:

"Sec. —. Provided that all corporations doing business in the State of Texas shall be subject to a tax on the intangible value of their property, and shall be placed under all the provisions of the present intangible assets tax law of this State for the purpose of maintaining the government of the State of Texas, its educational requirements and its pension fund. The said intangible tax to be determined by the Tax Commission of Texas and to be collected by the Comptroller of the State of Texas."

STEVENSON.

Read and lost.

Amend Substitute to H. B. No. 251 by adding thereto a new section to read as follows, viz:

"All persons, firms, partnerships or corporations owning or operating a restaurant or eating establishment in the State of Texas shall pay an occupation tax of One Hundred Dollars per year.

HOPKINS.

Read and lost by the following vote:

Yeas—5.

Holbrook.	Parr.
Hopkins.	Stevenson.
Martin.	

Nays—23.

Beck.	Patton.
Berkeley.	Poage.
Cousins.	Pollard.
Cunningham.	Purl.
DeBerry.	Rawlings.
Greer.	Small.
Hardin.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Absent.

Gainer.	Russek.
Parrish.	

Amend the Substitute for H. B. No. 251 by adding thereto a new section after Section 9, to be known as Section 9a, as follows:

"Sec. 9a. There is hereby levied an occupation tax, equal to two-fifths of one mill, on every kilowatt-hour of electric energy sold by any electric power and light company, transacting business in this State. Said tax shall be paid and reported by the company making the first sale thereof in this State, in the same manner as distributors of gas are required to report and pay a tax on same by H. B. 547, Acts of Regular Session of the 42nd Legislature.

CUNNINGHAM.

Read and lost by the following vote:

Yeas—13.

Beck.	Neal.
Cunningham.	Parr.
DeBerry.	Poage.
Holbrook.	Pollard.
Hopkins.	Woodruff.
Hornsby.	Woodward.
Loy.	

Nays—15.

Berkeley.	Purl.
Cousins.	Rawlings.
Greer.	Small.
Hardin.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Oneal.	Woodul.
Patton.	

Absent.

Gainer.	Russek.
Parrish.	

Amend Substitute to H. B. No. 251 by adding thereto new sections to read as follows, viz:

"Sec. 36-a. Each and every person who owns, controls, manages, leases or operates any plant, factory, or any other facility within this State for the manufacture of cement, and each and every person residing in this State who is engaged in the importation of cement, shall make annually on the first day of January of each year a report to the Comptroller of Public Accounts sworn to by such person before an officer authorized to administer oaths in this State, or, if such person be other than an individual, such report shall be sworn to by its president, secretary, or other duly authorized officer, on such forms as said Comptroller of Public Accounts shall prescribe, showing the total amount of cement produced during the year next preceding and the average market value thereof, which shall include any bonuses or premiums paid or promised during said preceding year. At the time of making said report, such person shall pay to the Treasurer of the State of Texas, an Occupation Tax for the preceding year, beginning on said date, an amount equal to ten cents on the 100 pounds of cement manufactured and sold in Texas during said year. Any person engaged in the importation of cement shall pay to the Treasurer of the State of Texas at the time of making such report, an amount equal to ten cents on the 100 pounds of cement so imported, into Texas during the year preceding, beginning on the date said report is made to the Comptroller of Public Accounts; provided, if for any reason the Comptroller of Public Accounts is not satisfied with any report so received, he may require additional or supplemental reports containing information and data upon such matters as he may deem necessary to ascertain the true and correct amount of all taxes due from such person or concern; which additional or supplemental reports shall be made under oath as above provided.

Sec. 36-b. Each and every person subject to the payment of the occupation Tax levied and required to be paid by this Act shall cause to be made and kept preserved a full and complete record of all cement manufactured or produced in this State

during the time so engaged in its production, all of which shall be open at all times to the official inspection and examination of the Comptroller of Public Accounts, or the Attorney General, or any employee or representative of such Comptroller of Public Accounts or Attorney General to be designated by such officers. Any person failing to keep such records or record, as herein required, shall forfeit to the State of Texas as a penalty any sum not less than Two Hundred and Fifty Dollars, (\$250.00), nor more than One Thousand Dollars, (\$1,000.00) payable to the State of Texas, and each ten days of failure to keep such records shall constitute a separate offense and subject the offender to additional penalties.

Sec. 36-c. Any person or concern mentioned in Section 38-a of this Act failing to pay the tax levied in said section within thirty (30) days after same is due and payable shall pay to the State as a penalty an additional amount equal to ten per cent of the taxes due, and such tax and penalty shall draw interest at the rate of six per cent per annum from the due date until paid.

Sec. 36-d. The word "person" as used in this Act shall include persons, firms, partnerships, companies, corporations, associations, common law trusts, those operating under a declaration of trust, or other concern by whatever name known, or howsoever organized, formed or created."

HOPKINS.

Read and adopted by the following vote:

Yeas—16.

Beck.	Martin.
Cunningham.	Moore.
DeBerry.	Neal.
Greer.	Parr.
Holbrook.	Pollard.
Hopkins.	Small.
Hornsby.	Woodruff.
Loy.	Woodward.

Nays—12.

Berkeley.	Purl.
Cousins.	Rawlings.
Hardin.	Stevenson.
Oneal.	Thomason.
Patton.	Williamson.
Poage.	Woodul.

Absent.
Gainer. Russek.
Parrish.

Amend Substitute to H. B. No. 251 by adding thereto a new section to read as follows, viz:

"Every person, firm, partnership or corporation or association of persons engaging in the business of selling cosmetics, and/or bottled carbonated waters, and/or chewing gum and/or toilet articles, shall pay an annual tax of one fourth of one per cent of the gross amount of the purchases where such purchases amount to One Thousand Dollars and not over Five Thousand Dollars and one-half of one per cent on all purchases in excess of Five Thousand Dollars."

HOPKINS.

Read and lost by the following vote:

Yeas—10.

Cunningham. Parr.
Holbrook. Patton.
Hopkins. Woodruff.
Martin. Woodul.
Neal. Woodward.

Nays—17.

Beck. Oneal.
Berkeley. Poage.
Cousins. Pollard.
DeBerry. Purl.
Greer. Rawlings.
Hardin. Small.
Hornsby. Stevenson.
Loy. Thomason.
Moore. Williamson.

Absent—Excused.

Gainer. Russek.
Parrish.

Amend the caption to conform to all amendments to the substitute.

THOMASON.

Read and adopted.

The bill was passed to third reading by the following vote:

Yeas—19.

Beck. Loy.
Berkeley. Moore.
Cunningham. Neal.
DeBerry. Oneal.
Greer. Patton.
Hardin. Poage.
Hornsby. Pollard.

Rawlings.
Small.
Thomason.

Woodruff.
Woodward.

Nays—9.

Cousins. Purl.
Holbrook. Stevenson.
Hopkins. Williamson.
Martin. Woodul.
Parr.

Absent.

Gainer. Russek.
Parrish.

Senator Williamson inquired whether passage of the bill to third reading removed it from the effect of the previous question.

The Chair, Lieutenant Governor Edgar E. Witt, held that it did.

Senator Small moved to reconsider the vote by which the bill was passed to third reading.

Senator Loy moved to table the motion to reconsider. The motion to table prevailed by the following vote:

Yeas—17.

Beck. Moore.
Berkeley. Neal.
Cousins. Oneal.
Cunningham. Patton.
DeBerry. Poage.
Greer. Pollard.
Hardin. Rawlings.
Hornsby. Thomason.
Loy.

Nays—11.

Holbrook. Stevenson.
Hopkins. Williamson.
Martin. Woodruff.
Parr. Woodul.
Purl. Woodward.
Small.

Absent.

Gainer. Russek.
Parrish.

The motion of Senator Loy to suspend the constitutional rule requiring bills to be read on three several days was lost by the following vote:

Yeas—20.

Beck. Hornsby.
Berkeley. Loy.
Cunningham. Moore.
DeBerry. Neal.
Greer. Oneal.
Hardin. Patton.

Poage.	Thomason.
Pollard.	Woodruff.
Rawlings.	Woodul.
Small.	Woodward.

Nays—6.

Holbrook.	Parr.
Hopkins.	Purl.
Martin.	Williamson.

Present—Not Voting.

Cousins.

Absent.

Gainer.	Russek.
Parrish.	Stevenson.

(22 votes required.)

Senator Parr moved to reconsider and spread the motion on the Journal. The vote by which the 75c sulphur tax amendment was adopted.

Senator Pollard raised the point of order that it would first be necessary to reconsider the vote by which the bill was engrossed.

The Chair, Lieutenant Governor Edgar E. Witt, sustained the point of order.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, May 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 835, A bill to be entitled "An Act relating to depositors' guaranty fund by calling attention to the fact that certain sums of money have been on deposit for several years with the State Treasury and on deposit with certain banks over the State, which funds rightfully belong to depositors of the defunct banks named herein and to member banks who had placed in the hands of the State Banking Commissioner the aforementioned funds as a guaranty fund for the protection of their depositors, and providing for the appointment of a legislative committee of five of the Forty-second Legislature, etc., and declaring an emergency."

The House has passed the following bills and resolutions:

S. B. No. 263, A bill to be entitled "An Act appropriating \$3,000,000.00

per year or so much thereof as may be necessary for the next two fiscal years for the purposes of promoting the public school interest of rural school opportunities afforded by the State to all children of scholastic age living in small and financially weak district; attaching conditions, regulations and limitations relative thereto; providing for the assistance to counties employing rural school supervisors, authorizing aid to such schools in accordance with the conditions herein specified; providing for the maintenance of all rural schools which meet the requirements of this Act a term of a certain length; providing assistance for rural schools that will afford instruction and demonstration in home and farm vocations; providing assistance in the formation and maintenance of rural high school districts according to a county-wide plan; providing for the use of an amount not to exceed a certain sum for the payment each year of the biennium of high school tuition of rural school pupils according to the provisions of Chapter 181, General Laws of the State of Texas, Fortieth Legislature, Regular Session, as amended by the First Called Sessions of the Forty-first Legislature providing for the administration of the funds appropriated herein by the State Board of Education, and the State Superintendent of Public Instruction; providing for the manner of payment and disbursement of all monies granted under the provisions of this Act; enacting other provisions necessary and incidental to the provisions of this Act declaring the rule in event any provisions of this Act is unconstitutional or invalid, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

(With amendments.)

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill Referred.

H. B. No. 835 referred to Committee on Banks and Banking.

Adjournment.

On motion of Senator Purl, the Senate, at 12:48 o'clock a. m., adjourned until 10 o'clock a. m.

APPENDIX.**Petitions and Memorials.**

2414 Grandin Road,
Cincinnati.

My Dear Mr. Secretary:

I am deeply touched by your message, and desire to express to you and through you to the Texas Senate my grateful appreciation of your kind message of sympathy.

The resolution adopted by the Senate of which you have been good enough to inform me will always be valued.

Yours sincerely,

ALICE LONGWORTH.

The Secretary of the Senate,
Texas Senate,
Austin, Texas.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, May 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 115 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, May 16, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 1 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, May 16, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 52 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, May 16, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 410 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, May 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 437 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, May 16, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 506 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee Room,
Austin, Texas, May 16, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 603 carefully examined and compared and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, May 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 623 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 527 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 16, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 314 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,
Austin, Texas, May 16, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 629 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, May 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 511 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, May 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 628 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, May 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 621 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, May 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 10, A bill to be entitled "An Act amending Article 3891 as amended by House Bill No. 9, Chapter 20, of the Fourth Called Session of the Forty-first Legislature; repealing all provisions of law in conflict with this Act; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be not printed in lieu of advance printing.

MOORE, Chairman.

Committee Amendment No. 1.

Amend House Bill No. 10 by striking out the words and figures "Ten Thousand (\$10,000.00) Dollars,"

wherever they appear in the bill and insert in lieu thereof the words and figures "Twelve Thousand Five Hundred (\$12,500.00) Dollars."

Committee Amendment No. 2.

Amend House Bill No. 10, third paragraph of Section 1 of the advance printed bill, by striking out all after the word "office" in line 56, down to and including the words and figures "thirty-four thousand, two hundred (34,200)" of the same paragraph.

Committee Amendment No. 3.

Amend House Bill No. 10, page 3, of the advance printed bill, line 24, by striking out the words and figures "eighteen thousand (18,000)," and substituting in lieu thereof the words and figures "twenty thousand (20,000)."

Committee Room,

Austin, Texas, May 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 287, A bill to be entitled "An Act making appropriation to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on taking effect of this act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute Bill for Senate Bill No. 287 do pass in lieu thereof and that the Substitute Bill be printed in Journal and that the original bill be not printed.

BECK, Chairman.

Committee Room,

Austin, Texas, May 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 230, A bill to be entitled "An Act to prohibit any directors, officer or manager of a company, Lloyd or Reciprocal, engaged in the fire or casualty insurance business from receiving any remuneration in connection with any purchase, sale or loan, deposit or investment, by such company, Lloyds, or Reciprocal, and prohibiting investments or de-

posits except in the name of such company, Lloyds or Reciprocal, and providing for the cancellation of the company's license in case of violation."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendment.

STEVENSON, Chairman.

Committee Amendment.

Amend House Bill No. 230 by striking out the word "Lloyds" wherever it appears in the bill or in the caption and insert in lieu thereof the words "subscribers at Lloyds."

Committee Room,

Austin, Texas, May 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 805, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State of Texas, and authorizing payment of said miscellaneous items to taking effect of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee substitute which is Senate Bill No. 287, and that it be not printed.

BECK, Chairman.

Committee Room,

Austin, Texas, May 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 1051, A bill to be entitled "An Act validating the formation of consolidated school district in certain counties in this State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, May 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Edu-

cational Affairs, to whom was referred

H. B. No. 1017, A bill to be entitled "An Act amending Chapter 44, Acts Regular Session 41st Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, May 17, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 763, A bill to be entitled "An Act to provide that no person transported by the owner or operator of a motor vehicle over the highways of this State as the guest of action for injury or death in case of accident, unless such accident shall have been intentional or heedless or reckless; providing exceptions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Adamson.

H. B. No. 763.

A BILL

To Be Entitled

An Act to provide that no person transported by the owner or operator of a motor vehicle over the highways of this State as the guest of such owner or operator and without pay, shall have a cause of action for injury or death in case of accident, unless such accident shall have been intentional or heedless, or reckless; providing exceptions; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. No person transported over the public highways of this State by the owner or operator of a motor vehicle as his guest without payment for such transportation, shall have a cause of action for damages against such owner or operator for injuries, death or loss, in case of accident, unless such ac-

cident shall have been intentional on the part of said owner or operator, or caused by his heedlessness or his reckless disregard of the rights of others.

Sec. 2. This Act shall not relieve a public carrier or any owner or operator of a motor vehicle while the same is being demonstrated to a prospective purchaser, of responsibility for any injuries sustained by a passenger being transported by such public carrier, or by such owner or operator.

Sec. 3. The fact under present law fraud may be perpetuated upon insurers of owners and operators of motor vehicles, creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days in each House be, and same is, hereby suspended, and that this Act take effect and be in force from and after its passage; and it is so enacted.

Committee Room,

Austin, Texas, May 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. N. 768, A bill to be entitled "An Act creating and providing a uniform budget system for the State, and all counties, cities, towns, villages, independent school districts, rural high school districts and common school districts; amending Articles 688 and 689, of Chapter 6, Title 20, of the Revised Civil Statutes of Texas, for the year 1925, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal and not otherwise.

MOORE, Chairman.

By Sanders et al. H. B. No. 763.

A BILL,

To Be Entitled

An Act creating and providing a uniform budget system for the State, and all counties, cities, towns, villages, independent school districts, and common school districts; amending Articles 688 and 689, of Chapter 6, Title 20 of the Revised Civil Statutes of Texas, for the year 1925; providing for the submission to the State Board

of Control by the head of each department, school, institution, prison system and division of the State Government of statement showing all items of expenses with estimate of appropriation required by each such department of the State Government; providing for hearings by State Board of Control and for the preparation and transmittal to the Governor of a preliminary appropriation budget and the form of such budget; designating the Governor as chief budget officer of the State; providing for the preparation of budget forms and blanks and the approval thereof, and the furnishing of such forms to all heads of departments; and providing for compiling and submission to the Governor by the State Auditor of a report covering financial affairs of the State with estimate of revenue; and providing for the Governor to submit recommendations on the State budget; providing for public hearings on such budget, the time of such hearings and persons required or permitted to attend such hearings and naming the presiding officer at such hearings; providing for the preparation of a budget covering proposed expenditures for the State Government, the form and contents of such budget and the mailing of copies thereof to members of the Legislature and department heads; providing for participation in such public hearings by the Governor-elect; providing for the transmittal of such budget to members of the Legislature; providing for the submission by the Governor to the Speaker of the House and the Lieutenant Governor of budget bills and fixing the form and contents thereof, the introduction of such bills and hearings thereon and appearances at such hearings; providing that budget bills shall not affect appropriations for the per diem and mileage of members of the Legislature, nor expenses of the Legislature; providing that County Judge shall be budget office in each county, and for preparation of budget covering proposed county expenditures and providing the form and contents of such budget; providing for the filing of such county budget with

the County Clerk; providing for hearings on such budget and the time thereof, and notice of hearing; providing for the preparation of said county budget and action thereon, and for changes therein; providing for the filing of said budget and for the levying of taxes in accordance therewith, restricting expenditures of county funds; providing for amendments to budget, and the filing thereof; requiring officers of county to furnish information, designating budget officer of incorporated cities, towns and villages and for the preparation of budget for such municipalities; and providing for the form and contents of such budget and the filing of such budget; and providing for public hearings on such municipal budgets, and fixing the time thereof and notice to be given and naming participants in such hearings, providing that Boards of Commissioners of Councils of such municipalities may change such budget and providing for the filing thereof; restricting expenditures of funds by such municipality and providing for emergency expenditures; providing for the amendment of original municipal budgets and the filing thereof; requiring the furnishing of information for use in municipal budgets, designating budget officers in each independent school district, rural high school district and common school district, and providing for the preparation of budgets covering proposed expenditures and providing the form and contents of such budgets; providing for hearings and time and place thereof on all such budgets, and for the adoption of such school budgets; providing for the filing of such school budgets and restricting the expenditures of public funds of such school districts; providing for the adoption of supplementary school budgets and the filing thereof, designating deputy school budget officer; providing for filing of copies of all budgets of common school districts with the County Clerk; providing for filing of protest by taxpayers; prescribing penalties for violation of this Act and repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Articles 688, and 689, Chapter 6, Title 20, Revised Civil Statutes, 1925, are hereby amended so that hereafter said Articles shall read as follows:

"Article 688. Estimates submitted. The head of each department, school, institution, and of the prison system, and the head of any of the divisions or departments of government for which appropriations are made by the Legislature, shall submit to the State Board of Control, not later than October 15th of each year preceding the regular biennial session of the Legislature, an itemized account of all items of expenses for the preceding two years, and an estimate of the appropriations required by such department, school or institution or by the prison system for the regular biennial appropriation made by the Legislature which estimate shall be submitted, itemized in such manner as the Governor may require."

"Article 689. Shall investigate estimates, etc. The Board of Control shall inspect the properties, equipment and facilities of the various agencies of the government for which appropriations are to be made either before or after such estimates are submitted, and consider the same and give hearings on estimates of those who have submitted the same, and shall obtain information from every available source including the reports from its auditors and examiners. After such hearings, the Board shall make up an appropriation budget, said budget shall be completed by the Board of Control and transmitted to the Governor not later than November 1st of the year immediately preceding the meeting of the regular biennial session of the Legislature. The Board of Control shall so prepare the budget as to show the expenditures on the same lines with the appropriated amounts for the respective items, and in such form and with such other itemization as the Governor may prescribe. The list of appropriations shall be shown for the three (3) years preceding the years for which appropriations are sought and recommended for the ensuing biennium, and the expenditures shall be shown for the first two (2) of the last above mentioned

years. The budget shall also show the amounts requested by the various agencies of the government and the amounts recommended by the Board of Control for each of the years of the ensuing biennium and a blank space shall be left opposite each recommendation of the Board of Control wherein the Governor shall insert the amount which he recommends for each item contained in the budget. The Governor and the Governor-elect shall have the right to sit with the Board of Control on any and all of its budget hearings, and all hearings held by the Board of Control while considering budget for the various departments, institutions and agencies of the State Government shall be open to the public.

Sec. 2. The Governor is hereby made the chief budget officer of the State.

Sec. 3. The State Board of Control is hereby authorized and directed to prepare all forms and blanks upon which requests for appropriations from the Legislature shall be prepared; provided that before such forms and plans are put into use they must be approved by the Governor; and provided further that when so approved, the State Board of Control shall furnish the proper forms to all those divisions, departments, officers, boards, commissions and agencies of every character of the State Government which are seeking appropriations from the Legislature; and the State Board of Control shall require that all requests for appropriations be submitted on the approved form.

Sec. 4. On or before the 1st day of October of the year immediately preceding the regular biennial session of the Legislature, the State Auditor shall secure, compile and submit to the Governor a report containing the following information:

(1) An itemized, complete, financial balance sheet for the State at the close of the preceding fiscal year.

(2) An estimate of the maximum amount of revenue which may become available for appropriation by the Legislature during the ensuing biennium for which appropriations are to be made, the purpose of said statement from the State Auditor being to place in the hands of the Governor the maximum amount of

revenue which the State could collect during each of the ensuing appropriation years, from all sources under existing tax laws.

(3) The State Auditor and the heads of any other agencies of government, shall also furnish to the Governor such other information as the Governor may request.

(4) All agencies of the government, for which appropriations are made, shall keep their records in such manner that immediately upon the close of the fiscal year they can list the amounts of all the contracts for purchases which they have made, but which remain unpaid at the close of the fiscal year; and such agencies shall accurately list in the expenditure columns of the budget sheets supplied them the combined total of their expenditures and the amounts of these unpaid purchase contracts of each of the items for which appropriations were made.

Sec. 5. Upon the receipt of the preliminary budget prepared by the State Board of Control to cover various State departments and institutions the Governor shall proceed to give personal consideration to such budget, and the Governor may, if he so desires, hold additional public hearings on any and all estimates to be included in the budget. At all such hearings, heads of departments, institutions or other agencies of the government seeking appropriations may appear, and if so desired, the Governor shall have the right to require them to appear to give further information concerning requested appropriations; and any taxpayer shall have the right to be present at any and all such public hearings and to participate in the discussion concerning any item proposed to be included in the budget under consideration. The Governor shall preside and conduct all such hearings, or if unable for any reason to conduct such hearings, the Governor may authorize the Chairman of the State Board of Control to preside at such hearing and represent him.

Sec. 6. Based on information submitted to the Governor in the preliminary budget prepared by the Board of Control and on such other information as the Governor may have secured through public hear-

ings and reports from the State Auditor, and from other sources, the Governor shall proceed to enter in the columns reserved for that purpose on said preliminary budget his own recommendation on each proposed item of said budget. The Governor's recommendation on each item in said budget shall represent his own conclusion and judgment as to the amount which should be appropriated for each of said items, and if the Governor believes that an item should be entirely eliminated he will so indicate by leaving the column blank opposite the recommendation of the Board of Control. When the Governor has completed his examination of and recommendations concerning the budget he shall return it to the Board of Control, and the Board of Control shall, on or before December 15th of the year immediately preceding the regular biennial session of the Legislature, mail to each person who will be a member of the next Legislature, to the heads of each department, institution, or other agency included in such budget, a copy of the budget as prepared, including the amounts recommended for each item contained in said budget by the Board of Control and also the amounts recommended by the Governor. The Board of Control shall also cause to be printed such extra copies of the budget as in their judgment are necessary for public distribution.

Sec. 7. Within five (5) days after the beginning of each regular session of the Texas Legislature, the Board of Control shall transmit to all members of the Legislature printed copies of the budget and the Appropriations Committee in the House and the Finance Committee in the Senate may, if they so desire, begin preliminary committee hearings on the budget without waiting for the submission of the budget bills.

Sec. 8. Within thirty (30) days after the beginning of each regular session of the Texas Legislature the Governor shall prepare and submit printed copies of the budget bills of appropriation to the Speaker of the House of Representatives, to the Lieutenant Governor and to each member of the House and Senate, provided that in years when a newly elected Governor other than the then

Governor is to be inaugurated that the budget bill of appropriations shall be prepared by the incoming Governor and shall be transmitted to the Legislature within twenty (20) days from the date he takes the oath of office. In carrying out the provisions of this section the Governor shall submit to all members of the Legislature five (5) separate budget bills as follows:

(a) Eleemosynary appropriation bill which shall include all appropriations which the Governor desires to recommend for the eleemosynary institutions of the State for the ensuing biennium;

(b) Departmental appropriation bill, which shall include all appropriations which the Governor desires to recommend for all departments of the State government for the ensuing biennium;

(c) Educational appropriation bill which shall include all appropriations for all educational institution of the State which the Governor desires to recommend for the ensuing biennium;

(d) Judiciary appropriation bill which shall include all appropriations which the Governor desires to recommend for the judiciary for the ensuing biennium;

(e) Deficiency and emergency appropriation bill which shall include all appropriations which the Governor desires to recommend that the Legislature make as emergency and deficiency appropriations.

In preparing the above referred to appropriation bills the Governor shall itemize all appropriations included in said bills in the same manner as provided for in the budget.

All of said budget bills referred to above shall be transmitted to the legislature at the same time, and when so transmitted the Governor shall accompany these bills with a special budget message, which message shall show the current assets, liabilities, surplus or deficient of the State at the close of the last preceding fiscal year, as well as the total amount of money which may reasonably be expected to be available from all sources under existing tax laws to meet legislative appropriations during the current year and the ensuing biennium. The above referred to message from the Governor shall be submitted in

printed form and a copy of said message furnished to each member of the Legislature.

Upon receipt of the budget bills from the Governor, the Lieutenant-Governor in the Senate and the Speaker in the House may, if they so desire, cause such bill to be introduced in the Senate and in the House of Representatives; or the Budget Bill may be introduced by any member of the House or the Senate, and hearing on the budget bill shall be conducted before the Appropriation Committee of the House and the Finance Committee of the Senate. All heads of departments, commissions, institutions or other agencies of the government requesting appropriations, shall have a right to appear before either of these committees in behalf of the appropriation requested. Likewise, any taxpayer in the State shall have the right to be present and to be heard at the hearing on any proposed appropriation.

Sec. 9. The budget and budget bill so to be prepared and submitted by the Governor shall not have included therein any appropriations for the per diem and mileage of the members of the Legislature, nor the necessary expenses of the Legislature, and nothing herein contained shall effect any such appropriations.

Sec. 10. The County Judge shall serve as budget officer for the Commissioners' Court in each county, and during the month of July of each year he, assisted by the County Auditor or by the County Clerk, shall prepare a budget to cover all proposed expenditures of the county government for the succeeding year. Such budget shall be carefully itemized so as to make as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes for the preceeding year. The budget must also be so prepared as to show as definitely as possible each of the various projects for which appropriations are set up in the budget, and the estimated amount of money carried in the budget for each of such projects. The budget shall also contain a complete financial statement of the county, showing all outstanding obligations of the county, the cash on hand to the credit of each and every fund of the county

government, the funds received from all sources during the previous year, the funds available from all sources during the ensuing year, the estimated revenues available to cover the proposed budget and the estimated rate of tax which will be required.

Sec. 11. When the County Judge has completed the budget for the county, a copy of it shall be filed with the clerk of the County Court, and it shall be available for the inspection of any taxpayer.

Sec. 12. The Commissioners' Court in each county shall each year provide for a public hearing on the county budget—which hearing shall take place on some date to be named by the Commissioners' Court subsequent to August 15th and prior to the levy of taxes by said Commissioners' Court. Public notice shall be given that on said date of hearing the budget as prepared by the County Judge will be considered by the Commissioners' Court. Said notice shall name the hour, the date and the place where the hearing shall be conducted. Any taxpayer of such county shall have the right to be present and participate in said hearing. At the conclusion of the hearing, the budget as prepared by the County Judge shall be acted upon by the Commissioners' Court. The Court shall have authority to make such changes in the budget as in their judgment the law warrants and the interest of the taxpayers demand. When the budget has been finally approved by the Commissioners' Court, the budget, as approved by the Court shall be filed with the Clerk of the County Court, and taxes levied only in accordance therewith, and no expenditure of the funds of the county shall thereafter be made except in strict compliance with the budget as adopted by the Court. Except that emergency expenditures, in case of grave public necessity, to meet unusual and unforeseen conditions which could not, by reasonably diligent thought and attention, have been included in the original budget, may from time to time be authorized by the Court as amendments to the original budget. In all cases where such amendment to the original budget is made, a copy of the order of the Court amending the budget shall be filed with the Clerk of the County

Court, and attached to the budget originally adopted.

The County Judge shall, after the adoption of the county budget and prior to October 15th of each year, file with the State Comptroller at Austin, Texas, a true and correct summarized statement of the adopted budget, which statement shall show the total amount adopted for each of the several divisions of the county's activities and outstanding obligations together with true and exact copies of any revenue estimates, financial statements and balance sheets required to be contained in said budgets, and the correctness of said copies shall be sworn to by the County Judge and County Auditor, and in counties which have no County Auditor, by the County Clerk. The State Comptroller shall note the date on which statements are filed with him, and preserve them for not less than two (2) years after the October 1st filing date.

Sec. 13. In the preparation of the budget, the County Judge shall have authority to require any officer of the county to furnish such information as may be necessary for the County Judge to have in order that the budget covering the expenditures of the county may be properly prepared.

Sec. 14. The Mayor of every incorporated city, town or village shall serve as the budget officer for the Board of Commissioners or Council of such city, town or village, except that any such city or town as shall have a City Manager form of Government, the City Manager shall serve as the budget officer. Such Mayor or City Manager shall prepare each year a budget to cover all proposed expenditures of the Government of said city or town for the succeeding year. Such budget shall be carefully itemized so as to make as clear a comparison as practicable between expenditures included in the proposed budget and actual expenditures for the same or similar purposes for the preceding year. The budget must also be so prepared as to show as definitely as possible each of the various projects for which appropriations are set up in the budget, and the estimated amount of money carried in the budget for each of such projects. The budget shall also contain a complete financial state-

ment of the city, town or village, showing all outstanding obligations of such city, town or village, the cash on hand to the credit of each and every fund, the funds received from all sources during the previous year, the funds available from all sources during the ensuing year, the estimated revenue available to cover the proposed budget, and the estimated rate of tax which will be required.

If a city or town in this State has already set up in its charter definite requirements which provide for the preparation each year of a budget of all expenditures of said city and a public hearing on said budget, then the charter provisions of said city as to the time of public hearings and the method of preparation of the budget shall govern, provided that when said budget has been finally prepared and approved, that a copy of said budget, together with all amendments thereto, shall be filed with the County Clerk and with the State Comptroller at Austin, Texas, the same as this Act requires other budgets to be filed.

Sec. 15. Said budget so as to be prepared by such Mayor or City Manager shall be filed with the Clerk of such city, town or village not less than thirty (30) days prior to the time the Board of Commissioners or Council of such city, town or village makes its tax levy for the current fiscal year, and such budget shall be available for the inspection of any taxpayer.

Sec. 16. The Board of Commissioners or Council of every such city, town or village, shall each year provide for a public hearing on such budget, which hearing shall take place on some date to be fixed by such Board of Commissioners or Council; not less than fifteen days subsequent to the time such budget is filed as provided in Section 15 hereof, and prior to the time said Board of Commissioners or Council of such city, town or village makes its tax levy. Public notice of the hour, date and place of such hearing shall be given, or caused to be given by such Board of Commissioners, or Council, and any taxpayer of such city, town or village shall have the right to be present and participate in such hearing. At the conclusion of such hearing, the budget as prepared by the Mayor or City Manager shall be acted

upon by the said Board of Commissioners, or Council. The Board of Commissioners, or Council shall have the authority to make such changes in the budget as in their judgment the law warrants and the best interests of the taxpayers of such city, town or village demands. When the budget has been finally approved by such Board of Commissioners, or Council, the budget as so approved shall be filed with the Clerk of such city, town or village, and taxes levied only in accordance therewith, and no expenditure of the funds of such city, town or village shall thereafter be made except in strict compliance with such adopted budget, except that in case of grave public necessity, emergency expenditures to meet unusual and unforeseen conditions, which could not, by reasonable diligent thought and attention, have been included in the original budget, may from time to time be authorized by such Board of Commissioners, or Council, as amendments to the original budget. In all cases where such amendment to the original budget is made, a copy of the order or resolution of the Board of Commissioners or Council amending such budget shall be filed with the Clerk of such city, town or village, and attached to the budget originally adopted. Immediately after the adoption of said budget or any amendment thereto, the Mayor or City Manager, as the case may be, shall file or cause to be filed, a true copy of said approved budget, and all amendments thereto, in the office of the County Clerk of the County in which said municipality is situated, and with the State Comptroller at Austin.

Sec. 17. In the preparation of the budget the Mayor or City Manager shall have authority to require any officer or board of such city, town or village to furnish such information as may be necessary for the Mayor or City Manager to have in order that the budget covering the expenditure of such city, town or village may be properly prepared.

Sec. 18. The president of the Board of School Trustees in each independent school district, is hereby expressly designated as the budget officer for such district. As soon as the Treasurer or other officer of such school district receives notice

of the state apportionment of public school funds to said district, and not later than August 20th, the president of such School Board of Trustees shall prepare a budget covering all proposed expenditures for the current fiscal year, itemized in detail according to purpose of expenditure. When such budget is prepared, a meeting of such Board of Trustees shall be called for the purpose of adopting a budget, and five days public notice of said meeting shall be given. Any taxpayer of the district may be present and participate in the hearing. It shall be the duty of said Board of Trustees at said meeting to adopt a budget to cover all expenditures for said independent school district for the current fiscal year. When so adopted it shall be the duty of the president of the Board of Trustees to file a copy of said budget in the office of the County Clerk of the county or counties in which said district is situated. No public funds of said independent school district shall be expended in any manner other than as provided for in the budget adopted by the said Board except that the said Board of Trustees of such independent school district shall have authority to adopt a supplementary emergency budget to cover necessary unforeseen expenses of the district; and when so adopted, copies of any and all supplemental budgets shall be filed with the County Clerk of the county, or counties, in which said district is situated, and with the State Comptroller at Austin. In the preparation of the budget, the president of such Board of Trustees shall be authorized to designate, if he so desires, the superintendent of schools of the district, or any other member of the Board as a deputy budget officer of the district, to assist him in the preparation of said budget.

Sec. 19. The County Superintendent of Schools is hereby designated as the budget officer for each common school district of such county. Immediately after the County Superintendent receives notice of the apportionment made by the State Board of Education to the common school districts of the county, he shall prepare a budget for each common school district in the county, which budget must be itemized in detail according to the purpose of

expenditure, and must cover insofar as possible all expenditures proposed for the current year. When so prepared, the budget for each common school district shall be submitted to the Board of Trustees in each district for approval, and when so approved by such Board of Trustees, and by the County Superintendent, it shall be filed in the office of the County Superintendent; and no expenditure shall be made in the district except as provided for in the budget, except it be in the case of unforeseen emergency; and in each such instance, a supplemental budget may be approved in the same manner as the original budget and a copy of the supplemental budget filed with the original budget. Copies of all budgets, when finally approved by the County Superintendent and the trustees of the various common school districts in the county shall be filed with the County Clerk at any time during the preparation of the budget any taxpayer shall have the right to file with the County Superintendent or with the Board of Trustees of any district, any statement or protest which he may desire to file, concerning any item of expenditure proposed for the current year; and such statement or protest shall be given due consideration by the County Superintendent, or by the Board of Trustees in their final action upon the adoption of the budget.

Sec. 20. Any officer, employee or official of the State Government, or of the County Government, or of any school district who shall refuse to comply with the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1000.00), or be imprisoned in the county jail for not less than one month, or more than twelve months, or shall be punished by both such fine and imprisonment.

Sec. 20-a. Nothing contained in this Act shall be construed as precluding the Legislature from making changes in the budget for State purposes or prevent the County Commissioners' Court from making changes in the budget for county purposes or prevent the governing body of any incorporated city or town from mak-

ing changes in the budget for city purposes, or prevent the trustees or other school governing body from making changes in the budget for school purposes; and the duties required by virtue of this Act of State, County, City and School Officers or Representatives shall be performed for the compensation now provided by law to be paid said Officers respectively.

Sec. 21. All laws and parts of laws in conflict herewith are hereby expressly repealed; and if any section of this Act shall be declared invalid the remaining parts of the law shall not be affected thereby.

Sec. 22. The fact that the State does not now have an effective budget law and the further fact that such law is urgently needed to conserve tax funds of the State, the County and various school districts, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three several days in each House and the further Constitutional Rule as to the time when laws take effect be suspended, and each of them is hereby suspended, and this Act shall take effect and be in full force and effect from and after its passage.

Committee Room,

Austin, Texas, May 18, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to who was referred

S. B. No. 287, A bill to be entitled "An Act making appropriation to pay miscellaneous claims against the State and authorizing payment of said miscellaneous items on taking effect of this act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute Bill for Senate Bill No. 287 do pass in lieu thereof and that the Substitute Bill be printed in Journal and that the original bill be not printed.

BECK, Chairman.

By Beck.

C. S. S. B. No. 287.

A BILL

To Be Entitled

An Act making appropriations to pay miscellaneous claims against the State and authorizing payment of

said miscellaneous claims on taking effect of this Act, providing how such claims shall be paid, repealing certain appropriations made in Senate Bill No. 17, Acts of the Regular Session of the Forty-second Legislature, and re-appropriating such item in this bill, and declaring an emergency.		tax on mudshell, to be paid from sand, shell, and gravel funds		840.84
Be it enacted by the Legislature of the State of Texas:		To pay the City of Bellaire for refund of State tax on mudshell, to be paid from sand, shell, and gravel funds		402.98
Section 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated to pay the miscellaneous claims against the State, as herein enumerated:		To pay the City of Beaumont for refund of State tax on mudshell, to be paid from sand, shell, and gravel funds		2,827.37
To pay the County of Galveston for refund of State tax on mudshell, to be paid from sand, shell and gravel funds		To pay the City of Corpus Christi for refund of State tax on mudshell, to be paid from sand, shell, and gravel funds		756.39
\$ 8,813.09		To pay the City of West University Place for refund of State tax on mudshell, to be paid from sand, shell, and gravel funds		2,863.54
To pay the City of Galveston for refund of State tax on mudshell, to be paid from sand, shell and gravel funds		To pay the County of Nueces for refund of State tax on mudshell, to be paid from sand, and gravel funds		1,098.77
2,284.00		To pay the State Highway Department for refund of State tax on mudshell, to be paid from sand, shell, and gravel funds		1,563.98
To pay the County of San Patricio for refund of State tax on mudshell, to be paid from sand, shell, and gravel funds		For the Texas Prison System to pay taxes on prison property, as follows:		
98.43		Madison County taxes for the years 1929 and 1930		476.71
To pay the County of Harris for refund of State tax on mudshell, to be paid from sand, shell, and gravel funds		Madison County school taxes for the years 1929 and 1930		324.30
18,963.46		Madison County school taxes for the year 1928		154.97
To pay the City of Houston for refund of State tax on mudshell, to be paid from sand, shell, and gravel funds		Freeport Independent School District bond taxes for the years 1928, 1929, and 1930		89.93
1,301.56		Braxoria County taxes for the years 1929 and 1930		4,119.69
To pay the City of Sinton for refund of State tax on mudshell, to be paid from sand, shell, and gravel funds		Brazoria County School bond taxes for the years 1929 and 1930		607.23
181.65		Harris County taxes for the years 1921 to 1930 inclusive		428.88
To pay the City of San Angelo for refund of State tax on mudshell, to be paid from sand, shell, and gravel funds		Walker County taxes for the years 1929 and 1930		1,253.98
2,652.54		Houston County taxes for the years 1929 and 1930		1,492.08
To pay the City of Alvin for refund of State tax on mudshell, to be paid from sand, shell, and gravel funds		Weldon School District No. 71, in Houston County, taxes for the year 1930		162.51
81.41		Brazoria Independent School District taxes for the years 1929 and 1930		195.20
To pay the County of Chambers for refund of State tax on mudshell, to be paid from sand, shell, and gravel funds				
1,193.87				
To pay the County of Brazoria for refund of State				

Bowie County taxes for the years 1928, 1929, and 1930	555.17	Treasurer of Dickson Colored Orphanage, Inc., for labor and supplies furnished Orphans' Home for Colored from April 1, 1929 to September 1, 1929.....	3,533.00
Bowie County School taxes for the year 1930.....	88.64	To pay Fidelity Union Casualty Company, Dallas, Texas, balance for final estimate on Girls' Training School at Gainesville	357.28
Fort Bend County taxes for the years 1929 and 1930	2,831.00	To pay Gulf Refining Company, Houston, Texas, for account against San Jacinto State Park	37.36
Fort Bend County School taxes for the years 1928, 1929 and 1930	262.24	To pay South Texas Implement and Machinery Company, Houston, Texas, for account against San Jacinto State Park	96.32
For the Texas Prison System to pay outstanding accounts, as follows:		To pay Sharp and Dohme, Philadelphia, Pennsylvania, for antigen supplies furnished the Live Stock Sanitary Commission	20.00
Imperial Garage, Sugarland, Texas	5.50	To pay Charles Maloney, Haslet, Texas, for tubercular cattle slaughtered	664.19
Lipscomb Motor Company, Trinity, Texas	293.27	To pay Frank Scofield, Hillsboro, Texas, for tubercular cattle slaughtered	136.81
C. Jim Stewart & Stevenson, Houston, Texas.....	65.48	To pay Dr. P. L. Guffin, Austin, Texas, for services rendered the Negro Deaf, Dumb and Blind Institute	32.00
Standard Brands, Incorporated, Dallas, Texas.....	9.90	To pay Dr. R. H. Bell, Palestine, Texas, for refund of inheritance tax paid to the State in the settlement of the estate of Dr. L. F. Bell	1,493.30
Woodson Lumber Company, Madisonville, Texas.....	98.51	To pay the International Great Northern Railway Company balance of charges on freight bill No. 5119 dated August 7, 1926 on a car shipment from Austin to Lake Wichita....	181.67
Armstrong Packing Company, Dallas, Texas.....	1,315.49	To pay the International Great Northern Railway Company account of freight and demurrage bill B73 in the handling and transporting of cowboy statues placed on the Capitol campus	88.00
Ernest & Ernest, Accountants and Auditors, Houston, Texas	397.39	To pay San Antonio Public Service Company, San Antonio, Texas, refund on gross receipts tax	1,561.59
Foster-Martin Seed Company, Houston, Texas.....	84.00		
Griffith Drug Company, Austin, Texas	69.04		
Gullett Gin Company, Amite, La.	166.23		
Peden Company, Houston, Texas	40.67		
R. M. F. Motor Company, Freeport, Texas	10.75		
Richmond Motor Company, Richmond, Texas	4.13		
Texas Poultry & Feed Company, Huntsville, Texas...	98.00		
Ellis Ammonds, Weldon, Texas	36.99		
J. C. Faickney, Angleton, Texas	63.55		
Southwest Drug Corporation Houston, Texas.....	27.45		
To pay the Magnolia Petroleum Company, Dallas, Texas, for account against the Railroad Commission, to be paid out of the Oil and Gas Fund	516.45		
To pay Goliad Lumber Company, Goliad, Texas, for material furnished Fannin State Park	200.00		
To pay Southwestern Bell Telephone Company, Houston, Texas, for account against San Jacinto Battle Ground	13.88		
To pay Ernest R. Tennant,			

To pay Texas Electric Railway, Dallas, Texas, for over payment of gross receipts tax to the State...	26,470.95	Henrietta M. King for refund of rental paid to the State, by reason of permit No. 6492 illegally issued by the General Land Office on 1261 acres of land in Kleberg County, upon which the Attorney General Department of Texas filed a disclaimer on behalf of the State in R. J. Kleberg, et al, VS Charles H. Flato and Humble Oil & Refining Company No. 393 in the District Court of Kleberg County, Texas, Twenty-eighth Judicial District...	10,088.00
To pay Malone Filling Station, Malone, Texas, refund of occupational tax on gasoline	1,493.62	To pay Ernest Cox, Austin, Texas, for refund of money expended while manager at the State Orphans Home at Corsicana.....	1,182.35
To pay William H. Gray, Chicago, Illinois, refund of ad valorem taxes paid on land that did not exist	84.70	To pay Mrs. S. S. Heard, San Antonio, Texas, for services as secretary to Mrs. J. E. King, Chairman of the Board of Supervisors of State Penitentiary	447.00
To pay Swift and Company, Corpus Christi, Texas, refund of over payment of ad valorem taxes	60.00	To pay E. B. Barnes, Austin, Texas, for balance of salary as secretary of the Industrial Accident Board	800.00
To pay R. H. Minton, Hemp-hill, Texas, Commission for collecting delinquent taxes	288.32	To pay Texas Bank & Trust Company, Austin, Texas, for comptroller's deficiency certificate No. 2816.....	7,912.10
To pay Citizens National Bank of Marlin, for over payment of State taxes....	914.00	To pay James Cavanaugh, Anne C. Tobin, in her own right, and as sole independent executrix of the last will of Mary Cavanaugh, deceased, and James Cavanaugh, Jr., \$15,895.00 as their respective interests may appear, in full esttlement and payment of their claim, and to pay Anna C. Tobin, \$10,000.00 in addition, in full payment of her claim, growing out of and relating to the condemnation of twenty-six acres of land in Austin, Texas, lying between Speedway and Waller Creek, under the Act of the Legislature of 1921, S. B. No. 111, designating said twenty-six acres to be a part of the University of Texas Campus, said claim to be paid by Warrant drawn by the Comptroller	
To pay D. E. Smith and J. E. Ludeau of Harris County, Texas, for over payment of State taxes.....	97.12		
To pay Jno. Wiebener, Alva, Oklahoma, for over payment of State taxes	120.76		
To pay E. F. Elkin, clerk in Comptroller's Department, for premium on surety bond required by Statutes	120.00		
To pay Leroy McGlaum, cashier in Comptroller's Department, for premium on surety bond required by Statutes	50.00		
To pay John T. King, National Militia Home, Leavensworth, Kansas, for twelve days service in State Militia	12.00		
To pay the estate of Mrs. Henrietta M. King for refund of royalty paid to the State, by reason of permit No. 6492 illegally issued by the General Land Office on 1261 acres of land in Kleberg County, upon which the Attorney General Department of Texas filed a disclaimer on behalf of the State in R. J. Kleberg, et al, VS Charles H. Flato and Tumble Oil & Refining Company No. 393 in the District Court of Kleberg County, Texas, Twenty-eighth Judicial District...	4,453.09		
To pay the estate of Mrs.			

of Public Accounts, payable to all of them and when said claim has been receipted by all of them and filed with the said Comptroller, aggregating the sum of	25,895.00	son for arrest and conviction of the murderer of Otto Lange	500.00
To pay Tom R. Hickman, Captain Company B, Ranger Force. Ft. Worth, Texas, for expenses while performing duties of office	14.65	To pay J. Llewellyn for services as special associate justice of the Ninth Court of Civil Appeals at Beaumont, four days	55.52
To pay J. K. Beretta, San Antonio, Texas, for expenses in representing Governor Moody at the National Conference on Regulatory Air Laws	210.00	To pay W. T. Davis for services as special associate justice of the Ninth Court of Civil Appeals at Beaumont, four days	55.52
To pay Dr. Willis W. Waite, El Paso, Texas, for expenses incurred in investigating the bubonic plague	500.00	To pay the Texas Company for judgment rendered in cause No. 40901, styled State of Texas VS R. L. Blaffer, et al	6,681.05
To pay Miss Maud Reichaw, Austin, Texas, for injuries received in collision with State Highway truck, for settlement in full	500.00	To pay S. A. McCall, Judge of the Ninth Judicial District, salary from January 31, 1930 to May 5, 1930	1,826.50
To pay Charlie Workman, Decatur, Texas, for injuries received while working for the State Highway Department, for settlement in full	500.00	To pay Maryland Insurance Company, of Delaware, for refund of over-payment of filing fees	25.00
To pay A. A. Turner, Alpine, Texas, for examining trial in the Justice Court	25.00	To pay Niagara Fire Insurance Company for refund of over-payment of filing fees	25.00
To pay E. O. Moffett, official court reporter, Ninety-fourth Judicial District, for services rendered in cause No. 32975, styled State of Texas VS Anatasacio Vargas	90.00	To pay First American Fire Insurance Company for refund of over-payment of filing fees	25.00
To pay T. R. Esterling, official court reporter, One-hundredth Judicial District, for services rendered in cause No. 581, styled State of Texas VS Joe Dunwoody and cause No. 1505, styled State of Texas VS Hes Tyler	90.00	To pay American Eagle Fire Insurance Company for refund of over-payment of filing fees	25.00
To pay W. L. Futch, Coleman, Texas, for reward offered by Governor Moody for arrest and conviction of the murderer of J. A. Mitchell	250.00	To pay E. I. Dupont de Nemours & Company, of Delaware, for refund of over-payment of filing fees	2,600.00
To pay Clint D. Lewis, Caldwell, Texas, for reward offered by Governor David-		To pay Darby Petroleum Company, of Delaware, for refund of over-payment of filing fees	2,550.00
		To pay Mid-Kansas Oil & Gas Company, of West Virginia, for refund of over-payment of filing fees	2,040.00
		To pay Benjamin Moore & Company, of New Jersey, for refund of over-payment of filing fees	2,500.00
		To pay Oil Well Supply Company, of Pennsylvania, for refund of over-payment of filing fees	1,690.00
		To pay United State Rubber Company, of New York, for refund of over-payment of filing fees	2,500.00
		To pay United Cigar Stores	

Company of America, of over-payment of filing fees	2,440.00	pany, of New York, for refund of over-payment of filing fees	100.00
To pay Congoleum-Nairn, Incorporated, of New York, for refund of over-payment of filing fees	5,880.00	To pay Southern United Ice Company, of Missouri, for refund of over-payment of filing fees	140.00
To pay Pittsburg Plate Glass Company, of Pittsburg, Pennsylvania, for refund of over-payment of filing fees	2,500.00	To pay Eureka Vacuum Cleaner Company, of Michigan, for refund of over-payment of filing fees	50.00
To pay Associated Company, of California, for refund of over-payment of filing fees	2,500.00	To pay Louisiana Oil Refining Company, of Louisiana, for refund of over-payment of filing fees	50.00
To pay Phillips Petroleum Company, of Delaware, for refund of over-payment of filing fees	2,440.00	To pay Dayton Scale Company, of Ohio, for refund of over-payment of filing fees	50.00
To pay Prairie Oil & Gas Company, of Kansas, for refund of over-payment of filing fees	2,500.00	To pay Piggly-Wiggly Stores, Incorporated, of Ohio, for refund of over-payment of filing fees	50.00
To pay Prairie Pipe Line Company, of Kansas, for refund of over-payment of filing fees	2,500.00	To pay Noble Oil & Gas Company, of Oklahoma, for refund of over-payment of filing fees	100.00
To pay Pure Oil Pipe Line Company, of Texas, for refund of over-payment of filing fees	200.00	To pay Certain-teed Products Corporation, of New York, for refund of over-payment of filing fees	50.00
To pay Skelly Oil Company, of Delaware, for refund of over-payment of filing fees	3,120.00	To pay Continental Gin Company, of Alabama, for refund of over-payment of filing fees	4,090.00
To pay Vacuum Oil Company, of New York, for refund of over-payment of filing fees	2,500.00	To pay Frick-Reid Supply Corporation, of Oklahoma, for refund of over-payment of filing fees	50.00
To pay American Book Company, of New York, for refund of over-payment of filing fees	2,500.00	To pay Arkansas National Gas Corporation, of Louisiana, for refund of over-payment of filing fees	2,550.00
To pay Macmillan Company, of New York, for refund of over-payment of filing fees	1,990.00	To pay Standard Sanitary Manufacturing Company, of Pennsylvania, for refund of over-payment of filing fees	5,050.00
To pay Transcontinental Oil Company, of Pittsburg, Pennsylvania, for refund of over-payment of filing fees	2,500.00	To pay Investors Mortgage Security Company, of Edinburg, Scotland, for refund of over-payment of filing fees	1,140.00
To pay Rosenbaum Grain Corporation, of Illinois, for refund of over-payment of filing fees	50.00	To pay Butler Brothers, of Dallas, Texas, for refund of over-payment of filing fees	150.00
To pay S. F. Bowser & Company, Incorporated, of Indiana, for refund of over-payment of filing fees	50.00	To pay Graham Paper Company, of Missouri, for refund of over-payment of filing fees	580.00
To pay National Cotton Seed Products Corporation, of Tennessee, for refund of over-payment of filing fees	50.00	To pay Brunswick-Balke-Coller Company, of Illi-	
To pay Fleischmann Com-			

nois, for refund of over-payment of filing fees	2,600.00	Warrant No. 59831, to be paid out of the Gasoline Tax Fund	27.00
To pay Hercules Powder Company, of Delaware, for refund of over-payment of filing fees	2,500.00	To pay C. O. Moore, Austin, Texas, for expenses incurred in going after and returning Fugitives out of the State, to be paid when proper certificates from the Governor are furnished to the Comptroller	552.00
To pay Fort Worth Power & Light Company, of Fort Worth, Texas, for refund of over-payment of filing fees	2,340.00	To pay W. W. Wade, Huntsville, Texas, for expenses incurred in going after and returning Fugitives of the State to be paid when proper certificates from the Governor are furnished to the Comptroller	229.55
To pay H. J. Heinz Company, of Pennsylvania, for refund of over-payment of filing fees	7,500.00	To pay interest on public debt for the fiscal year end August 31, 1931	135,091.00
To pay Humble Pipe Line Company, of Houston, Texas, for refund of over-payment of filing fees	5,160.00	To pay interest on public debt for the fiscal year ending August 31, 1932 ..	135,091.00
To pay Humble Oil & Refining Company, of Houston, Texas, for refund of over-payment of filing fees	7,500.00	To pay interest on public debt for the fiscal year ending August 31, 1933 ..	135,091.00
To pay Texas Pipe Line Company, of Houston, Texas, for refund of over-payment of filing fees	2,500.00	To pay Bealle Hardware Company, Greenville Texas, refund of Franchise Tax paid after Charter expired	17.50
To pay Texas Company, of Houston, Texas, for refund of over-payment of filing fees	10,050.00	To pay Coolidge Drug Company, Coolidge, Texas, refund of Franchise Tax after Charter expired	23.50
To pay Pacific Coal & Oil Company of Thurber, Texas, for refund of over-payment of filing fees	3,670.00	To pay C. F. Braun and Company, California, for over payment of Filing Fees	897.90
To pay Newark Shoe Stores, Incorporated, (formerly M. Samuels & Company), of Delaware, for refund of over-payment of filing fees	990.00	To pay Houston Car Wheel and Machine Company, Houston, refund of over payment of Franchise Tax	269.00
To pay Stone & Webster Incorporated, of Massachusetts, for refund of over-payment of filing fees	3,550.00	In lieu of the appropriation heretofore made in the Judiciary Appropriation Bill of \$3,500.00 for the purposes named below, which was made available September 1, 1932, which is hereby repealed, there is hereby appropriated the said sum of \$3,500.00 for new carpet, electric fans, light fixtures, repairs, renovation and changes in Supreme Court room furniture, which appropriation shall be available September 1, 1931.	
To pay Snowden & McSweeney Company, of Delaware, for refund of over-payment of filing fees	1,280.00	To pay Texas Louisiana Power Company for serv-	
To pay Tom F. Reese, Comanche, Texas, fees for examining trials and felony cases	115.00		
To pay V. Y. Saddler, ex-sheriff of Martin County, Texas, for fees and mileage in summoning witnesses	686.20		
To pay Caldwell-Guadalupe Pick-Up Station of Luling, Texas, for refund of gross Receipts tax	1,606.69		
To pay D. R. Sewell, Jacksboro, Texas, for special			

ices rendered the State
of Texas at the State Juve-
nile Training School at
Gatesville _____ 2,411.36

GRAND TOTAL _____ \$686,123.27

Provided that where any money hereinabove appropriated to pay claims of persons or firms, where the money collected was deposited to a special account of a particular department, the amount herein appropriated shall be paid out of the respective fund to which the same was deposited.

Sec. 2. Wherever in this act an amount is appropriated to pay refund of corporate franchise taxes, corporate filing fees, gross receipts, taxes or to pay refunds to insurance companies, the account before being paid shall first be approved by the Attorney General as to legality and by the head of the Department to which the money was originally paid as to correctness of the claim.

Sec. 3. The fact that many of the items of this bill should be paid as promptly as possible creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

SEVENTY-SECOND DAY.

Senate Chamber,
Austin, Texas,
May 19, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Hopkins.
Berkeley.	Hornsby.
Cousins.	Loy.
Cunningham.	Martin.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Oneal.
Hardin.	Parr.
Holbrook.	Parrish.

Patton.	Stevenson.
Poage.	Thomason.
Pollard.	Williamson.
Purl.	Woodruff.
Rawlings.	Woodul.
Russek.	Woodward.
Small.	

Prayer by Rev. Holt, Chaplain of the House.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Gainer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following resolution:

By Senators Greer, Neal, Thomason, Russek, Martin, Stevenson, Hardin, Pollard, Small Berkeley, Patton, Cousins, Woodruff, Beck, Loy, Moore, Purl, Poage, Gainer and DeBerry.

S. J. R. No. 30, Proposing to amend Article 7, of the Constitution of Texas by adding a new Section providing that the Legislature shall have power to provide that students within High School grade residing within School Districts having no High School, may attend High School in any other District; and that their tuition be paid by the State and the rate thereof to be fixed by the Legislature.

Read and referred to Committee on Constitutional Amendments.

Messages from the House.

Hall of the House of Representatives,
Austin, Texas, May 18, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. C. R. No. 69, Directing the En-